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A COMPLEAT and IMPARTIAL
HISTORY
OF THE
IMPEACHMENTS
OF THE
LAST MINISTRY.
CONTAINING
All the *Articles of Impeachment*, and the *Answers* to
the same at length; with the whole Proceedings,
Debates, and Speeches, in Both Houses of Par-
liament, relating thereto,
WITH A
Large Introduction.

Shewing the Reasons and Necessity of the said Impeachments, from
the Behaviour of the High Church and Jacobite Party, since his
Majesty's happy Accession to the Throne, to the Breaking out
of the REBELLION, both in SCOTLAND and ENGLAND.

By the AUTHOR of the ANNALS of Queen Anne.

The SECOND EDITION.

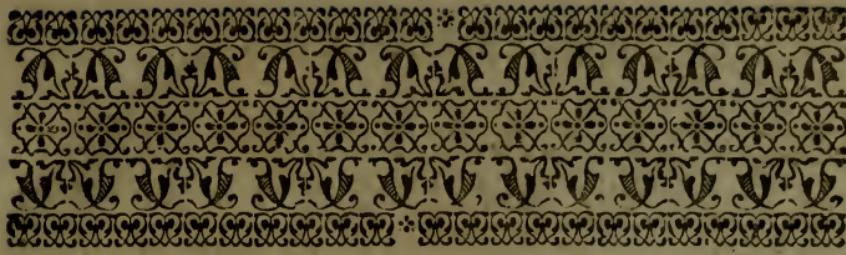
To which is added, the Earl of Strafford's Answer to
the Articles exhibited against him, never before
publish'd.

*Rode, Caper, Vitem, tamen hinc, cum stabis ad Aras,
In tua quod fundi Cornua possit, erit.*

Ovid.

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April 1746
See Dul' G.W.



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Advertisement.



Shall not, by a Studied Preface, endeavour to recommend this Book to the Publick: The very Subject-Matter of it, bespeaks the Attention of all True Britons; and as for the Manner of handling it, all I can say for my self is, That these Sheets are written with the same Candor and Impartiality which all Unbyass'd, Unprejudic'd Readers have found in my former Historical Collections, and which, without Vanity be it said, many disinterested and worthy Persons, have not disdain'd to acknowledge.

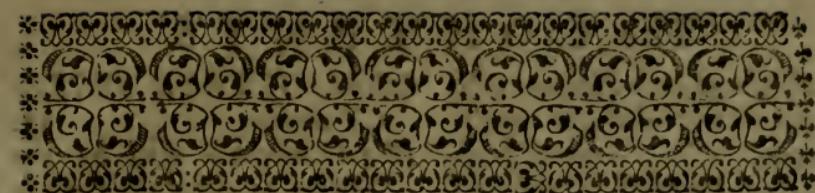
This Book containing a full Detection of the Measures and Steps by which the Late Ministry endeavour'd to set aside the Succession in the most illustrious House of

Advertisement.

Hanover, and to betray their native Country to Popery and Slavery, it was once in my Thoughts to dedicate it to some of those great Patriots, by whose Penetration, Resolution, Wisdom, and Eloquence, those wicked and impious Counsels have been happily defeated. But having found by Experience, that Dedications to Men in Power, instead of recommending the Author, bring upon him the Suspicion of Partiality, I have resisted the Temptation. Besides, I am apt to flatter my self, that what I have suffer'd, during the Late Administration, sufficiently entitles me to the Protection of the present Government : And if what I have done, within my small Sphere, to serve the Hanoverian Cause (Part of which will appear by several Papers annex'd to this Book) does not deserve some Favours, I e'en despair of ever meriting any, by an Epistle,

London, Dec. 10. 1715.

A. BOYER.



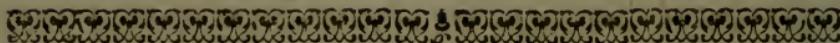
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THE



THE
HISTORY
OF THE
IMPEACHMENTS
OF THE
Late MINISTRY.

The INTRODUCTION.

*Skewering the REASONS and NECESSITY of the said
IMPEACHMENTS.*

THE Late Ministry had fondly flatter'd themselves, not only that their Errors, Miscarriages, and Offences, would have been buried in Oblivion, upon K. GEORGE's auspicious and peaceable Accession to the Throne ; but, even, that they should have an equal Share, with the rest of their Fellow-subjects, in His Maj's Favour : But, to their Disappointment, they soon found that their *Crimes* were of too deep a Dye, and too flagrant, to be either overlook'd, or go a unpunish'd,

unpunish'd ; and that His Majesty was resolv'd to pursue the constant Maxim of his August Family, viz. To reward their Friends, do justice to their Enemies, and fear none but God. It was observ'd, that the Duke of Ormond, who attended the King at his Landing at Greenwich (on the 18th of September 1714) was not admitted, with some other Lords, to see His Majesty in private ; and the next Morning, the Lord Viscount Townshend acquainted His Grace, That His Majesty had no Occasion for his Service, in the Quality of Captain General. This was, however, soften'd with a Declaration, That His Majesty would be glad to see His Grace at Court. But the Duke's high Spirit could not brook so abrupt a Dismission from his Employments ; and his natural Easiness gave his Ill-Advisers an Opportunity to heighten his Resentment, to an almost avowed Disaffection to His Majesty's Person and Government.

The Earl of Oxford's Disgrace was no less apparent : His Lordship was not at Greenwich on the Saturday the King came ashore, but tho' he was one of the earliest there the next Sunday Morning, yet he had the Misfortune to remain undistinguish'd, and disregarded among the Crowd ; and 'twas with much ado, he had the Honour to kiss the King's Hand, without exchanging a Word with His Majesty. This could not but be a sensible Mortification to a discarded Statesman, who still, to amuse the World, had boasted to his Acquaintance, That he would be in as great Favour with King GEORGE, as ever he was with Queen ANNE.

The Lord Chancellor Harcourt, the Lord Trevor, Mr. Bromley, and several other Persons, met with no better Entertainment at Greenwich ; and, indeed, it was unaccountable to Impartial Observers, how some People had the Assurance to shew their Faces at the Court of a Prince, whose Interest they had notoriously opposed, and whose Ministers they had treated with the utmost Contempt.

As the Lord Viscount Bolingbroke had the largest Share in this Last Guilt, and in some other Enormous Practices, so was he, some Weeks before, * removed from his Office of Secretary of State, with particular Marks of Displeasure ; Three Lords of the Regency having taken the Seals from him ; secured his Papers ; and seal'd up the Doors of his Office. He was so conscious of his Crimes, that

* Aug. 31. 1714.

that he had not the Courage to stand the Presence of a Prince, whose Indignation he had so justly deserved.

On the other Hand, His Majesty's first Care, after, and even before he had set Foot on *English* Ground, was to bestow distinguishing Marks of Favour, on those Persons, who had distinguish'd themselves by their Zeal for the common Good of *Europe* in general, and of their Country in particular; and by their unshaken Affection to the Succession in his August Family. And as none could come in Competition with the Party, call'd *Whiggs*, upon those several Scores, so 'tis no wonder they had the largest Share in the good Graces of a grateful discerning Sovereign. The Duke of MARLBOROUGH, after an *Eclipse* of near Three Years, which cast a fatal Damp on the whole Confederacy, appear'd at Greenwich with his Pristine Lustre; and even brighter from his late undeserved Disgrace; being look'd upon (tho' not yet declared) as Captain General. The Dukes of Somerset, Bolton, Devonshire, Argyle, St. Albans, Montrose, Rutland, and Montague; the Marquis of Dorchester; the Earls of Pembroke, Dorset, Lincoln, Bridgewater, Manchester, Wharton, Nottingham, Sunderland, Carlisle, Berkley, Portland, Scarborough, Orford, Cholmondeley, and Hertford; the Lords Comper, Sommers, Halifax, Pelham, Finch, and Lumley; the Bishop of Salisbury; General Stanhope, Mr. (Robert) Walpole, Mr. Lechmere, and a great many others, receiv'd also particular Marks of Distinction and Favour, both from the King and Prince Royal; and were afterwards, most of them, advanced to those Honours and Preferments* which their firm Adherence to the Hanoverian Succession, in the Worst of Times, had merited.

To this Purpose we must observe, that the *Late Ministers* were so conscious of their ill Conduct, and so sensible that in case the *Protestant Succession* took place, they could not possibly escape Punishment, that the most Sanguine amongst them resolv'd to consult their Safety by adding to their former Guilt, and by sacrificing their Country to Popery, and *Arbitrary Government* Tho', perhaps, no *Legil Proof's* can be produced of their Designs to set aside the *Hanover Family*, and bringing in a *Popish Frenchify'd Pretender*, yet scarce any Man of common Understanding will call them into question, who shall impartially consider, that, during the Last

Twelve-month of the late Queen's Reign, Men were daily
lifted for the Pretender's Service, both in England and Ireland,
with, at least, the Connivance of some Men in Power; that
Persons notoriously affected to that Interest were preferr'd to
Civil Employments; that Military Officers were closetted, and
tamper'd with to serve the Queen, without asking Questions, as
the Phrase then ran; and that those who boggled to answer
the Question in the Sense it was put to them, were either ab-
solutely dismiss'd; or, which was reckon'd a Favour, order'd
to sell their Posts. The King, when yet Elector of Bruns-
wick, wanted no Informations of the traitorous Designs that
were hatching to defeat his Succession to the British Crown;
and therefore it was but Justice, Prudence, and Gratitude in
His Majesty, upon his Accession to the Throne, to remove
them from publick Employments, and Places near his Royal
Person and Family, who either knowingly, or through blind
Infatuation, had shew'd their Inclinations to support his de-
clared *Enemies* in all their wicked, traitorous Measures;
and, on the contrary, to advance his undoubted, try'd
Friends, to Offices and Places of Trust, Profit, and Ho-
nour. However, as 'twas then hoped that there were but few
Accomplices in the horrid *Conspiracy*, so it had been too severe
to involve the whole *Tory Party*, in the *Guilt and Punishment* of
some of their flagitious Leaders: And therefore, after having
removed such Persons only as were most suspected of
Disaffection, His Majesty, like a beneficent, indulgent,
common Parent, seem'd resolv'd to suppress all Invidious *Distin-
ctions of Parties*, and to bestow his Favours on all, whom
their Abilities and *Affection* to his Service, should re-
commend to his Choice. Upon this Scheme, altho' Sir Thomas
Hamer, Bart. then Speaker of the House of Commons,
had, for some Time, seem'd to act in Concert with the *Late
Managers*, yet as he had behav'd himself like the *Best of Pa-
triots*, both in relation to the *Treaty of Commerce*, and the
Hanoverian Succession, His Majesty was inclined to reward
his Zeal and Affection, and to distinguish his Merit: But that
Gentleman declin'd the Offer of the Place of *Chancellor of the Exchequer*; as Mr. *William Bromley*, Late Secretary of
State did one of the *Tellers*, unless he could have it for
Life; which would have set him free from any Engagements
to the Court. Lieutenant General *Webb*, who, out of a

Pique

Pique to the Duke of Marlborough, had gone great Lengths with the Late Ministry, seem'd resolv'd to retrieve his former Errors, by a more Prudent Conduct: For when he was first presented to the King, His Majesty having desired, that he should reconcile himself to the Duke of Marlborough, he readily obey'd, and paid a Visit to His Grace, who received him very kindly: By which means, General Webb was continued in his Employments. The Duke of Shrewsbury preserved also his Place of Lord Chamberlain of His Majesty's Household; and some other Noblemen and Gentlemen, who had sided with the Church-Party, but were thought to be, nevertheless, well affected to the present Establishment, were either continued in, or advanced to Considerable Posts. But it soon appear'd, that a Coalition of Parties, which had so often before been unsuccessfully attempted, was, at this Juncture, rendred more difficult than ever, and altogether impracticable, by the Ambition of a Nobleman, who presuming too much on his Services to the Illustrious House of Hanover, aspired to no less than the Treasurer's Staff: A Trust which, in the present Conjunction of Affairs, His Majesty was wiser than to place in any one Man's Hands.

The Division and Jarring which early appear'd between some Great Men at Court, wonderfully raised the Spirits of the Disaffected: To which Purpose we must observe, that tho' His Majesty's auspicious Coronation was, on the 20th of October 1714, perform'd with as numerous an Attendance of the Nobility, and Gentry, as had ever been known, and celebrated throughout all His Majesty's Dominions with great Rejoicings: Yet, in several great Cities and Towns of England, the enraged Jacobites and Malecontents endeavour'd to raise Commotions among the People, by reviving the thread-bare Clamour of the Church's Danger. Hereupon, the King in Council, thought fit to sign a Proclamation (dated Nov. 21, 1714) for the suppressing of Riots, suggesting,
 ' That of Late Years, several Riots, Tumults, and Unlawful Assemblies, had been in many Places of this Realm; and
 ' that there was great Reason to apprehend, that the same
 ' were promoted and encouraged by those whose Duty it was
 ' to have prevented and suppress'd the same.' Which was a plain and just Animadversion on the Conduct of the Late Managers.

On

On the other Hand, the *Discontented*, presuming both on their Strength, and the *Lenity of a yet unsettled Government*, with great Industry caused several *Scurrilous and Seditious Libels* and *Pamphlets* to be dispers'd, in order to infuse Jealousies into the Minds of the weak unthinking Multitude. Hereupon Sir William Humfreys, Lord Mayor of London, as became a wise, vigilant, and loyal Magistrate, exerted his Authority; and caused the *Hawkers*, who cry'd those Libels about the Streets, to be committed to the Houses of Correction, as Vagabonds: For which Seasonable Zeal and Diligence his Lordship had His Majesty's solemn Approbation, in a Letter from the Lord Viscount Townshend, (dated Whitehall, Nov 8.) intimating, withal, That his Lordship would do an acceptable Service in continuing his best and most effectual Endeavours, towards suppressing entirely such infamous and disorderly Practises. Pursuant to this Direction, the Lord Mayor and Court of Aldermen order'd Precepts to be sent out, requiring the Constables and Beadles, to be diligent and careful to apprehend all Offenders, to be dealt with according to Law. A few Days after, (viz. Nov. 16. 1714.) the King in Council, all Justices of the Peace, and other Officers, were also order'd to put in Execution, with the utmost Rigour, the Laws in Force against Printers, Publishers, and Spreaders of false and scandalous Libels; Which Orders were so well executed, That in a few Days, the City of London was almost entirely rid of the Pestilent Vermine of *Libel-Cryers*, and scandalous *Ballad-Singers*. But, yet, the mercenary Pamphleteers of the Jacobite Party were still as bold as ever; And, among the rest, an empty, putid *Imitator* of the *Villainous*, but *Ingenious* Authors of the the late *Examiner*, began, about this Time, to publish a Weekly Paper with the same Title; but which had nothing in it, except the *Scurrility*, and *Injolence* of the former.

The Pretender's Friends and Agents thought this a proper Opportunity both to inflame the *Discontents*, and feel the Pulse of the Nation: And accordingly, about the Middle of November, they publish'd in several Languages (viz. English, French, and Latin,) and dispers'd with great Industry, the following Declaration:

JAMES, R.

JAMES the Third, &c. To all Kings, Princes and Potentates,
and our Loving Subjects, Greeting.

IN such an extraordinary and important Conjunction, in
which not only our Hereditary Right to our Crowns
is so unjustly violated, but the Interest of all the Sovereign
Princes of Europe is so deeply concerned, We could not be
silent without being wanting to Our Self and Them.

Every Body knows, that the Revolution in the Year
1688 ruined the English Monarchy, and laid the Founda-
tion of a Republican Government, by devolving the Sovereign
Power on the People, who assembled themselves without any
Authority, voted themselves a Parliament, and assumed a
Right of Depositing and Electing Kings, contrary to the
Fundamental Laws of the Land, and the most express and
solemn Oaths that Christians are capable of taking ; and
no Body can be ignorant, how unjustly the King Our
Father, of Blessed Memory, suffered by this unjustifiable
Revolution.

After his Demise, his Crowns which the Prince of Orange
had usurp'd, being then rightfully Ours, according to the
Fundamental Laws of the Land, we immediately claimed
Our Right to the same by a Declaration, under Our Great
Seal, dated at St. Germains the 8th of October 1701 ; and
as soon as it pleased Divine Providence to enable us to
attempt the Recovery thereof, we readily embraced the
Occasion, and 'tis sufficiently known, the Miscarriages of
that Expedition could not be imputed to us.

When we found after this, that a Treaty of Peace was
upon the Point of being concluded, without any Regard
had to Us, We published Our Protestation, dated at St.
Germains, the 25th of April 1712, in the most solemn and
authentick Manner, Our Circumstances would then allow
of, asserting thereby Our incontestable Right to Our
Crowns, and protesting against whatever might be stipula-
ted in the said Treaty to Our Prejudice.

Tho' we have been obliged since that Time to remove
from France to a remoter Place, we have still continued
to have Our Kingdoms and our People in our View ; to
whom we are convinc'd That God in His Mercy will sooner
or later restore Us, notwithstanding the Malice and Open
Rebellion

‘ Rebellion of some, and the forced Compliances of others.
 ‘ We have never ceased to hope, that God wou’d in Time
 ‘ open Our People’s Eyes, and convince them, not only of
 ‘ the notorious Injustice done to the Crown and Us, but of
 ‘ the dangerous Consequence thereof for Themselves. It is
 ‘ not Our Interest alone We are concerned for : Our Na-
 ‘ tural and unalterable Love for Our People is such, that as
 ‘ we could not see, without Grief, their Blood and *Treasure*
lavish’d in the last War, in Opposition to Our undoubted
 ‘ Right, so we cannot now with less Sorrow see them ex-
 ‘ pos’d to be subjected to an Arbitrary Power, and become a
 ‘ Prey to *Foreigners*.

‘ Besides that the Elector of *Brunswick* is one of the re-
 ‘ mote Relations We have, and consequently one of the
 ‘ remotest Pretenders to Our Crowns after Us, ’tis evident,
 ‘ that nothing is more Opposite to the Maxims of *England*,
 ‘ in all Respects, than that unjust Settlement of the Succe-
 ‘ sion upon his Family. He is a Foreigner, a Powerful Prince,
 ‘ and Absolute in his own Country, where he has never met
 ‘ with the least Contradiction from his Subjects ; he is ignorant
 ‘ of Our Laws, Manners, Customs, and Language, and sup-
 ‘ ported by a good Army of his own People, besides the As-
 ‘ sistance which a Neighbouring State is oblig’d to grant him
 ‘ upon Demand, and many Thousands of Aliens refug’d in
 ‘ England these Thirty Years past, who having their Depen-
 ‘ dence wholly upon him, will be ready to stand by him upon all
 ‘ Occasions.

‘ Moreover, what can our Subjects expect but endless
 ‘ Wars and Divisions, from subverting so Sacred and Funda-
 ‘ mental a Constitution as that of *Hereditary Right*, which
 ‘ has still prevailed against all Usurpations, how successful
 ‘ and for how long Time soever continued : The Govern-
 ‘ ment finding still no rest till it return’d again to its true
 ‘ Center ? And how can they be ignorant of the just Pre-
 ‘ tensions of so many other Princes, that are before the
 ‘ House of *Hanover*, whose Right, after Us, will be as un-
 ‘ doubted as our own ; and who neither want Will nor
 ‘ Power to assert it in their Turns, and to entail a perpe-
 ‘ tual War upon Our Kingdoms, with a Civil War in their
 ‘ own Bowels, which their Divisions will make unavoidable?

‘ From all which it is plain, our People can never enjoy
‘ any lasting Peace or Happiness, till they settle the Success-
‘ sion again in the Right Line, and recal Us, the Immediate
‘ Lawful Heir, and the Only Born Englishman now left of
‘ the Royal Family.

‘ This being certainly the true Interest of *Great Britain*,
‘ we had reason to hope, that a wise People would not have
‘ lost so natural an Occasion of recalling us, as they have
‘ lately had, since they could not but see by all the Steps we
‘ have hitherto made, that we had rather owe our *Restoration*
‘ to the Good Will of our People, than involve them in a
‘ War, tho’ never so just: Besides, they know, or might
‘ have known the reiterated inviolable Assurances we have gi-
‘ ven them under our Hand, that whosoever it should please
‘ God to restore us, we wou’d make the Laws of the Land
‘ the Rule of our Government, and grant to our Subjects a
‘ general *Indemnity* for whatsoever has been done, contrary
‘ to the said Laws, and all the Security and Satisfaction they
‘ could desire for the Preservation of their Religious Rights,
‘ Liberties, and Properties: Yet contrary to our *Expectations*,
‘ upon the Death of the Princess our Sister (of whose good In-
‘ tentions towards us we could not for some Time past well doubt;
‘ and this was the Reason We then sat still, expecting the good Ef-
‘ fects thereof, which were unfortunately prevented by her de-
‘ plorable Death) we found, that our People, instead of ta-
‘ king this favourable Opportunity of retrieving the Honour
‘ and true Interest of their Country, by doing us and them-
‘ selves Justice, had immediately proclaim’d for their King a
‘ foreign Prince, to our Prejudice, contrary to the funda-
‘ mental and incontestable Laws of *Hereditary Right*, which
‘ their pretended *Acts of Settlement* can never abrogate.

‘ After this Height of Injustice, we then thought our selves
‘ bound in Honour and Duty, and indispensibly oblig’d, by
‘ what we owe to Our Self, to our Posterity, and to our Peo-
‘ ple, to endeavour to assert our Right in the best manner we
‘ could: Accordingly, upon the first Notice sent Us, We
‘ parted from our ordinary Residence, in Order to repair to
‘ some Part of our Dominions, and there to put our self at
‘ the Head of such of our loyal Subjects as were dispos’d to
‘ stand by us, and defend us and themselves from all foreign
‘ Invasion: But in our passing through *France* to the Sea-

coasts, we were there not only refus'd all Succour and Assistance, upon account of the Engagements that King is under by the late Treaty of Peace, but were even debarr'd Passage, and obliged to return back to *Lorraine.*

After meeting with such sensible Disappointments on all Sides, the only Comfort left Us is, that we have done our part, at least, to attain our just Ends, and have nothing upon that Score to reproach our self with; and as our Cause is just, we doubt not but God will, in His own due Time, furnish us with new Means to support it; and that He will, at least, touch the Hearts of our Subjects with a true Sense of the crying Injuries they have done Us and themselves, and move them effectually to return to their Duty?

We likewise hope, that all *Christian* Princes and Potentates, who are now in Peace together, will reflect upon the dangerous Example is here given them, and the formidable Effects they are threaten'd with from such an united Force, as that of *England* and *Hanover*; and that they will seriously consider, whether the exorbitant Power that now accrues to the House of *Brunswick*, be consistent with the *Balance of Power* they have been fighting for all this late War? And therefore we call on them for their Assistance for the Recovery of our Dominions, which their Interest, as well as Honour, engages them to grant to us, as far as they are able.

In the mean time, in the Circumstances we are in, we have nothing left in our Power to do at present, but to declare to the World, that as our *Right is indefeasible*, so we are resolv'd, with the Help of God, never to depart from it but with our Life: And we here solemnly protest again, in the strongest manner we are capable of, against all Injustice that has been, or shall hereafter be done to the Prejudice of us, our lawful Heirs and Successors, reserving and asserting by these Presents, under our Great Seal, all our Right, Claims, and Pretensions whatsoever, which do and shall remain in their full Force and Vigour. Declaring that after this we shall not think our self accountable before God or Man, for the pernicious Consequence, which this new Usurpation of our Crown may draw upon our Subjects and upon all *Christendom*. Given at our Court at Plombières,

' bieres, the 29th Day of August 1714, and in the Thirteenth
 ' Year of our Reign.

The Dukes of Marlborough, Argyle, and Shrewsbury, the Earls of Nottingham, and Sunderland, the Lord Viscount Townshend, and several other Persons of Distinction, having on the 13th of November, receiv'd, by the Mail from France, Printed Copies of the said Declaration, they thought it their Duty to deliver the same into the Hands, either of His Majesty, or of the Secretaries of State. But, a few Days after, the said Declaration was publish'd, with Remarks upon it, by Dr. Tyndal, a Person of undoubted Affection to the present Settlement.

The unlucky Insinuation of the late Queen's good Intentions towards the Pretender, being a high Reflection on the Memory of that Princess, who, upon all Occasions, and in the most solemn manner, had declared, *She had nothing more at Heart than the Succession of the House of HANOVER*; most of the Tories, and even such among the Jacobites as were not in the Secret, gave out at first, that the said Declaration was spurious, and a mere Contrivance of the Whigs, both to asperse the Queen and her Ministry, and to influence the future Elections for Members of Parliament: But it soon manifestly appear'd that the said Piece was genuine, and intended by the Pretender's Friends, to spirit up his Party in Great Britain and Ireland.

At this very Juncture, the Marquis de Lamberti, the Duke of Lorrain's Minister, came over to England, to pay a Compliment from his Master to the King: But it being reasonably suspected that the Pretender's Declaration was printed in Lorrain, under the Countenance, if not with the Approbation of that Duke; the Lord Viscount Townshend, one of His Majesty's Principal Secretaries of State, intimated to the Marquis de Lamberti, by the King's Command, ' That it was inconsistent with His Majesty's Honour and Dignity, as well as Interest, to admit to an Audience the Minister of a Prince, who, at that very Juncture, gave Shelter and Protection to a Pretender to His Majesty's Crown, and an open Enemy to his Dominions.' The Marquis transmitted the Lord Townshend's Letter to the Duke of Lorrain; and about the Beginning of December O. S. receiv'd from his Master,

the following Letter, dated at Nancy the 6th of December,
1714, N. S.

I Believe, Sir, you no ways doubt of my being extremely surprized to hear by the Courier which came from you, that when you applied to My Lord Townshend to obtain an Audience, that Minister made answer, That since the Chevalier de St. George remained still in my Dominions, the King thought fit to forbid you the Court. In case His Majesty should continue in this disagreeable Resolution with respect to me, I must submit to his Pleasure, and you have nothing else to do but to return hither as soon as you are able. However, you are first to apply to the Duke of Marlborough and to the King's Ministers, desiring them to lay before His Majesty the unfortunate Situation I am in, if after having been so ready to let the King know the Part I take in his Accession to the Crown of England, and after having been one of the First to make my Compliments and shew my Zeal on this Occasion, all Europe should be acquainted that His Majesty has some reason to be dissatisfy'd with me: That I cannot conceive whence this should proceed, since as to the Chevalier de St. George, the World knows by what means he came into this Country: That every one is informed of the Situation of my Territories, which are surrounded and cut through on all Sides by France: That 'tis known how I had no share in his coming into my Country; that I neither invited him to come thither, nor could I force him to go away: That lately upon the Death of Queen Anne, I knew nothing of his leaving Bar till Twelve hours after he was gone from thence; and that I knew nothing of his Return to Bar till after he was come back; as a Traveller that goes backwards and forwards in an open Country, and internixt with other Territories, as mine is: That as to the Manifesto or Declaration dated at Plombieres, which the Chevalier de St. George had got printed, I knew nothing more of it, than that he gave me one after it had been published: But that really I am much concerned to hear from you, that it has been reported that the same Manifestoes have been spread abroad by you or by those of your Retinue. I own to you that I am extremely concern'd at this, and that in some sort it seems to be a Design to make me uneasy, to give out that either I or my Servants meddled in such an Affair.

Thefe

These are the Reasons which I have to offer, and which I would have you desire those Gentlemen to lay before the King; in hopes they will convince His Majesty of my most respectful Adherence to him, and that His Majesty will be pleased to admit you to an Audience.

But if, contrary to my Expectation, the King will not grant you an Audience, you are to come away, having desired the Ministers to let the King know the Concern I am under, and that I hope His Majesty will please to accept of my good Intentions and the early Care I took to shew him the inviolable Zeal I have for him.

This is all you will have from me, I am, &c.

When the Marquis de Lamberti communicated this Letter to the Lord Townshend, he, at the same, express'd 'his Master's deep Concern at this unlucky Affair, which obstructed the Friendship and good Understanding he had so early sought with his Britannick Majesty, for whom he ever entertain'd the highest Esteem and Veneration. And he likewise express'd his own particular Concern, and the great Mortification it was to him, not to be admitted to a Court, he had so great a Desire to be made known to.' He was answer'd, 'That it was not out of any Prejudice to his Person, nor even to the Person of his Master, for whom the King had a great Esteem; But that as Affairs stood at present, tho' his Excuses were, in some Measure, allowable, yet his Majesty was the best Judge of what was consistent with his own Honour and Dignity; And as his Majesty, was likewise sensible of the Duke's Readiness to seek and cultivate a Friendship with his Majesty, so, the King wish'd that the Causes which obstructed the same, at present, might be speedily removed.' The Marquis de Lamberti finding by this Answer that His Majesty insisted on the Removal of the Pretender from the Dominions of Lorrain, before he would admit him to Audience, took his Leave of my Ld. Townshend, and on Monday the 13th of December, set out in his return Home. 'Twas confidently reported, That in Answer to that Part of the Duke of Lorrain's Letter, wherein he alledges, That his Territories are surrounded and cut through on all Sides by France; and that he neither invited the Pretender thither nor could he force him to go away: His Majesty's Minister produced to him a Paper transmitted hither by Mr.

Prior, and deliver'd to him by the Marquis de Torcy, whereby the most Christian King declared, That he neither did, nor would, in any Manner concern himself with the Pretender: Which, Declaration being directly contradictory to the Duke of Lorrain's Allegation before-mention'd, it amounts to a Demonstration, that there was a State-Juggle, in this Affair.

By this Time, the Treasonable Scheme of setting aside the Hanoverian Succession, and bringing in a Popish Pretender was so manifest, That on the 6th of December, 1714, upon an humble Application from the Arch-Bishops and Bishops of England, His Majesty thought fit to appoint the 20th of January next, for a publick Thanksgiving to Almighty God, for His great Goodness in bringing him to a peaceable and quiet Possession of the Throne of Great Britain, and thereby disappointing the Designs of the Pretender, and the wicked Contrivances of his Adherents, to defeat His Majesty of His undoubted Right to the Imperial Crown of this Realm, and to subvert the Establish'd Constitution in Church an State. At the same Time, his Majesty signed another Proclamation for Putting the Laws in Execution against Papists and Non-jurors: Which, however, through the Neglect of several Lukewarm or Disaffected Justices of the Peace, and other Inferior Magistrates, was not put in Execution. The Indulgence of the Government raised the Spirits of the Jacobites to such a Degree of Insolence, as to insult His Majesty in his own Palace: For on Saturday the 11th of December 1714, one James Carnaby, an Irish Papist, formerly a Stage-Player, utter'd these Treasonable Words, in the Court at St. James's, viz. That the Pretender, (whom he called James III.) was the true and lawful King, and that the Elector of Brunswick had no Title to the Crown. The Soldier who stood Centry at the Colours, having caused him to be apprehended, Colonel Guise, who commanded the Guard, order'd him to be kept under Arrest, judging him to be either Drunk, or Mad; But, the next Morning, Carnaby persisting in his traitorous Assertions, the Colonel made his Report to the Secretary of State, by whose Warrant Carnaby was committed to Newgate.

As soon as the Glut and Hurry of Domestick Affairs was somewhat abated, and the King found an Interval to cast

an Eye Abroad, one of his Majesty's first Cares was to recall the Earl of Strafford, one of the most forward and bold Instruments of the last Ministry, who still continued at the Hague, with the Character of Ambassador Extraordinary; and Plenipotentiary. The States General having appointed the last Day of December 1714, N. S. for his publick Audience of Leave, he was conducted thither with great Pomp, and his Lordship made a Speech, in which there were some very remarkable Strokes. Having told their High Mightinesses, That, from the First Day of his Embassy, he had endeavour'd to confirm them in the Opinion, that a strict Union with the Crown of Great Britain, could not but be very advantageous and even necessary to them: He added, their High Mightinesses, would easily conceive, that after about Thirteen Years employ'd in Embassies, having always met with the entire Approbation of his Sovereigns, it must be a great Pleasure to him, that he could now return Home, and enjoy the present Happiness of his Country. But that he return'd with so much the more Satisfaction, because he had that of seeing the successful Issue of his Negotiations. That, 'twas true, there yet remain'd the Signing of the Peace between Spain and Portugal; as well as the Reconciling the Differences between the Emperor and that Republick; touching the Barrier: But, in the mean While, he saw with Pleasure, That their State began already to feel the good Effects of the Peace; and that their High Mightinesses were entirely Safe, and free from the Apprehensions wherein he found them upon his Arrival at the Hague, of the Events of a long, a bloody, and a burthensome War. That as he had always very sincerely wish'd the Prosperity, and Safety of that Republick, He could not silently pass over the Satisfaction he reap'd, from the many Opportunities he had, during the Course of his Negotiations, of giving very essential Proofs thereof, and of having done that Republick very considerable Services: Which was more particularly known to some worthy Members of that State, who had honour'd him with their Friendship, and would not be backward in doing him Justice upon that Score. Concluding, That he had nothing more to do, only to thank their High-Mightinesses for the Favour they had shewn him, during his Stay there; and to assure Them, that he should always retain a very gratefnl Remembrance of it; and never fail, when he was in his own Country,

Country, as he had ever done elsewhere, to do all that lay in his Power to cherish the good Harmony and Union between the Two Nations. Tho' the States did not entirely agree with his Lordship, as to the Notions he seem'd to entertain both of his past Services to their Republick, and of his future Intentions and Power to cherish the Union of the Two Nations, yet the President of the Week return'd him a very Civil Answer. But as soon as his Lordship's Speech was made publick, the glaring Strokes of *Vanity* and *Self-conceit* contain'd in it, did not escape Censure; And when his Lordship arrived came to *England*, he did not meet with that Welcome at Court, which, from his *Boasting Speech*, he seem'd to expect. For tho' he arrived in *London* on 'Friday the 31st of December 1714, O. S. yet he was not admitted to wait on the King till Monday the 3d of January, and was then but coldly receiv'd. Not many Days after, His Majesty having thought fit to have the Earl of *Strafford's* Papers, relating to his publick Negotiations laid before the Council, and examin'd, the Lord Viscount *Townshend*, one of His Majesty's Principal Secretaries of State, was sent to his House to demand the same. The Earl was extremely surprized with this Message; expostulated with the Lord *Townshend* about it; and refused to comply with his Demand, unless he had a special Order from the Council in Writing. Hereupon the Earl of *Strafford* was summon'd to attend the Council, and after he had been examin'd, His Majesty was pleased to make the following Order.

At the Court at St. James's, the Eleventh Day of January 1714, Present, the King's most Excellent Majesty in Council.

IT was this Day thought fit, and accordingly ordered by His Majesty in Council, That the Right Hon. Lord Viscount *Townshend*, and James Stanhope, Esq; Principal Secretaries of State, do forthwith repair to the Right Hon. the Earl *Strafford*, and receive from his Lordship the Original Instructions and Orders, and all Letters which he has received from any Minister of the late Queen, or any Foreign Prince or Minister, and Copies of all Instructions of which he has not the Originals, and also of all Letters writ by him to any Person whatsoever relating to his Negotiations, from the time of his first being at the Hague, sealed up with his Lordship's Seal, and

to transmit them to the Council Office, to be there safely kept, and sealed up by the Lord President's Seal. In case the said Papers should be too numerous to be now brought away, then they are to be sealed up by the said Secretaries of State in a proper Box, till they can be conveniently deliver'd to the said Secretaries in manner aforesaid.

Christopher Musgrave.

Pursuant to this Order the Two Secretaries above mention'd went immediately to the Earl of Strafford's House, and receiv'd from him Two Trunks, said by him to contain what was required. At the same Time, Orders were sent for sealing up his Lordships Papers that were yet on Ship-Board, or at the Custom-House, coming from Holland; Which, being somewhat unusual, occasion'd much Talk, and various Reflections. 'Twas also confidently reported, That the Duke of Shrewsbury, (who was said to be personally concern'd to stave off all Inquiries into the Conduct of the late Ministry) spoke against the seizing of the Earl of Strafford's Papers, as a Proceeding altogether unprecedented, but was over-ruled, and told, *That the present Case was likewise unprecedented, and absolutely required it.*

Three Days before (viz. January the 8th) the Lord Mayor, with the rest of the Lieutenantcy of the City of London, introduced by the Lord Viscount Townshend, presented the following Address to His Majesty.

To the KING's most Excellent Majesty.

The humble Address of the Lord Mayor, and the rest of Your Majesty's Commissioners of Lieutenantcy for your City of London.

PERmit us, most gracious Sovereign, with the profoundest Humility and Submission to say, we always thought the Preservation of the Trade of the Kingdom, and the Ballance of Power in Europe, to be the main Motives for the late War. A Cause so just was favoured by Heaven; and the Arms and Virtue of the Troops of Britain, with those of her Confederates, prevailed with such a Train of unparalleled Successes, that we concluded our selves upon the Point of being Happy to the utmost of our Wishes.

But when we were just Seizing the Prize of our Conquests, with Horror we call to mind, that the British Arms were surprizingly

prizingly withdrawn, and our faithful Allies abandoned---- Sad were the Consequences that ensued!

The Reputation of the Kingdom was sunk to Contempt, the humble Stile of the Enemy was quite altered, and France from being in a Condition of suing for a Peace, became the Dictator of it to those that had Conquered: The People were mocked with Assurances of being Free from the Danger of a Neighbouring Fortress, and the best Branches of their Trade were Exchanged for Chimeras.

Our Holy Church too was in Danger of being given up to Popery, our Civil Rights to Tyranny, and the way preparing for the Pretender.

All that had been gained by a Profusion of Blood and Treasure, in a glorious and successful War, was thrown up, and a Free-born People brought within View of Slavery, when the Almighty once more interposed, by seating on the Throne Your Sacred Majesty, His great Vicegerent.

We Your Majesty's most Dutiful Subjects can never think of that Providential Period of Time, in which the Kingdom was thus relieved from Distress, by Your Majesty's most happy Accession to the Imperial Crown of Great Britain, but our Hearts are full of unutterable Transports of Joy.

We think our selves snatcht from Perdition, and established upon a Rock of Security: Credit, (the best Indication of the People's Satisfaction) springs up again, and the Spoils and Remains of our Commerce and Property, are, we hope, recovering and enlarging.

We see a Protestant Prince on the Throne, adorn'd with high Virtues, and blessed with a numerous Progeny of Protestant Successors, Defenders of the Faith, and the Established Church, which is planted, and now again fenced in by the Right Hand of God.

We cannot forbear, now we are at Your Majesty's Feet upon this happy Occasion to tender our hearty Thanks for the Honour conferred upon us by your Royal Commission; and we assure Your Majesty that the Power entrusted with us, is in the Hands of such as were never tainted with any Inclination to the Pretender; such as ever had in Detestation those who meant Ill to the Protestant Succession, or the Author of it, our other glorious Deliverer King William; such as being Lovers of the Church and State, are ready to defend Both with the Arms committed

committed to their Charge; and such as devoutly pray, that Your Majesty and your Royal Issue may reign over this Kingdom, and all other Your Majesty's Dominions, till Time shall be no more.

To which His Majesty was pleased to make the following Most Gracious Answer :

I Thank you for this Address, in which you express so much Duty and Loyalty to me, and so just a Concern for the Honour and Interest of your Country.

This Address, from so considerable a Body, and the King's Answer, made a great Noise throughout Great Britain, being generally look'd upon as the Fore runner of IMPEACHMENTS in the Ensuing Parliament. However, the Late Managers seem'd to recover fresh Courage, even from their approaching Danger: For the Lord Viscount Bolingbroke being, about this Time, come to Town, several Interviews and Conferences pass'd between him and the Late Lord Chancellor, the Bishop of Rochester, the Duke of Ormond, the E. of Strafford, Mr: Arthur Moore, and (as some pretend) the Earl of Oxford: Wherein, no Doubt, they consulted how to weather the impending Storm. But tho' the Chiefs of the *Tory Party* may be allow'd not to have been wholly dispirited, yet some of them must be own'd to have been entirely lost to all Prudence, and Policy, in writing, printing, and dispersing a *Libel*, which contradicted all their *Pretences and Professions* of Loyalty and Affection to King *GEORGE*, and the present Settlement. The *Libel* I mean was intituled, ENGLISH ADVICE TO THE FREE-HOLDERS OF GREAT BRITAIN; and seem'd to be the last Effort of a Desperate SINKING PARTY, being, indeed, but a Compound of malicious Slanders, notorious Forgeries, and Treasonable Suggestions: So that the Publishing of it, instead of serving their Turn, for whose Benefit it was intended, would undoubtedly have had a quite contrary Effect, at least with all *Good Men*, and fix'd an Indelible Odium on those very Persons it was calculated to justify. However, there being but too many among the unthinking Multitude, who by former Delusions, and a contingeny Train of Intoxication, were prepared to receive any Infection; and not a few others, who, for want of proper Means of Information, might have been impos'd upon by the fallacious *Pretences of*

that Libel ; the Government thought fit to suppress it by the following PROCLAMATION for discovering the Author, Printer, and Publishers of a malicious and traiterous Libel, intitled, English Advice to the Freeholders of England ; and for preventing Riots and Tumults at the ensuing Elections of Members to serve in Parliament.

GEORGE, R.

WHereas we have receiv'd Information, that a most malicious and traiterous Libel, intitled, English Advice to the Freeholders of England, has lately been printed and dispersed throughout our Kingdoms with the utmost Industry ; nevertheless, by the Care and Vigilance of our Magistrates, great Numbers therof are intercepted in our City of Exon, some being directed to Sir John Coriton, Sir Nicholas Morice, Jonathan Elford, Esq; Philip Rashley, Esq; Francis Scobell, Esq; John Williams, Esq; Mr. Granville Piper, Mr. Welshman, Mr. William Cary, Mr. Prouffe, Mr. Phillips, Mr. Tonkin, Mr. Cunnock Kendall respectively, in our County of Cornwall ; others thereof to the Reverend Mr. Shute, the Reverend Mr. Hughes, the Reverend Mr. Collyer, and the Reverend Mr. Bedford respectively, in our said County ; and others thereof to the Mayor of our Borough of Westloe in our said County ; whereby, as well as from the Contents of the said Libel, we are convinced that the same is a wicked Contrivance, meant not only to spread Sedition, and to inflame the Minds of our loving Subjects, but also by alienating their Affections from us and our Government, to promote the Interest of the Pretender, and in Order thereto, to raise Disturbances in the approaching Elections of Members to serve in Parliament. We being resolved, as far as in us lies, to bring the Authors and Contrivers of such traiterous Designs to condign Punishment, and to deter all others from the like Attempts for the future, have thought fit, by the Advice of our Privy-Council, to issue this our Royal Proclamation, hereby promising a Reward of One Thousand Pounds to any Person or Persons, who shall discover the Author or Authors of the said traiterous Libel, to any one of our Principal Secretaries of State ; and the Sum of Five Hundred Pounds to any Person or Persons, who shall discover the Printer or Printers thereof, as aforesaid, to the end that such Author or Printer may be prosecuted according to Law : Which respective Rewards

Rewards our Commissioners for executing the Office of Treasurer of the Exchequer, are hereby directed to pay accordingly. And we do hereby strictly charge and command all our Magistrates in and throughout our Kingdom of Great Britain, that they do make diligent search and enquiry after the said Author, Printer, or Publishers; and that they do apprehend and seize the said Persons, and all others whom they shall find dispersing the said Libel, and give proper Information thereof, so as the said Offenders may be dealt with as the utmost Rigour of Justice requires.

And whereas there is nothing which we so earnestly desire, as to secure the Peace and Prosperity of our Kingdoms, and to preserve to all our loving Subjects the full Enjoyment of their Rights and Liberties, as well Religious as Civil, and in a most particular manner the Freedom of their Elections of Members to serve in Parliament; and being satisfied that the same hath been of late Years greatly invaded by the Encouragements which have been given to Tumults, Riots, and other indirect Practices in the Elections of Members to serve in Parliament; and it being most apparent, that such evil-minded Persons are now fomenting and carrying on the same dangerous Practices, we do hereby declare our highest Resentment and Displeasure against all such illegal Proceedings, strictly prohibiting the same, as being most injurious to our Government, and to the fundamental Rights of our People. And we do further charge and command all our Sheriffs, Justices of the Peace, Chief Magistrates in our Cities, Boroughs, and Corporations, and all other our Officers and Magistrates throughout our Kingdom of Great Britain, that they do, in their several and respective Stations, take the most effectual care to suppress and prevent all Riots, Tumults, and other Disorders, which shall be raised or made by any Person or Persons whatsoever, at or in the approaching Election of Members to serve in Parliament, and that they do put the Laws in execution against all Offenders in that Behalf. And we do further require and command all and every our Magistrates aforesaid, that they do, from Time to Time, transmit to one of our Principal Secretaries of State, due and full Informations of all such Persons who shall be found offending, as aforesaid, or in any Degree aiding or abetting therein; it being our Royal Resolution to punish the same according to the utmost Severity of Law.

Given at our Court at St. James's, the 11th Day of January 1714, in the First Year of our Reign.

The

The *scurrilous* and *malicious* Reflections cast on the King, and the Royal Family, in the *Treasonable Libel* mention'd in the foregoing Proclamation, was a plain Indication, That the Concurrence of some leading Men among the Tories, in *Proclaiming* and *Inviting* over the Protestant Successor, was more owing to the Necessity of their Circumstances, and the Confusion they were in, upon the late Queen's sudden Death, than to their *Inclination* and *Affection* to the August House of Hanover. This is certain, That the said *Virulent Libel*, which by many was judg'd to be written by a turbulent, fiery Prelate, was a very improper Means for the Tories to ingratiate themselves with the King; and that on the contrary, it could not but fix the *Whigs* in His Majesty's Favour.

An Instance of this appear'd, a few Days after, in the following PROCLAMATION, for *Calling a New Parliament*:

GEORGE, R.

IT having pleased Almighty God, by most remarkable Steps of His Providence, to bring us in Safety to the Crown of this Kingdom, notwithstanding the Designs of Evil Men, who shew'd themselves Disaffected to our Succession, and who have since, with the utmost Degree of Malice, misrepresented our firm Resolution and uniform Endeavours to preserve and defend our most Excellent Constitution both in Church and State, and attempted by many False Suggestions to render Us suspected to our People; we cannot omit, on this Occasion of first Summoning Our Parliament of Great Britain (in Justice to Our Selves) and that the Miscarriages of others may not be imputed to Us, at a Time when False Impressions may do the greatest and irrecoverable Hurt before they can be cleared up) to signify to Our whole Kingdom, That we were very much concerned, on our Accession to the Crown, to find the publick Affairs of Our Kingdom under the greatest Difficulties, as well in respect to our Trade and the Interruption of our Navigation, as of the great Debts of the Nation, which We were surprized to observe, had been very much encreased since the Conclusion of the last War. We do not therefore doubt, that if the ensuing Elections shall be made by Our Loving Subjects with that Safety and

and Freedom which by Law they are entitled to, and We
 are firmly resolved to maintain to them, they will send
 up to the Parliament the fittest Persons to redress the pre-
 sent Disorders, and to provide for the Peace and Happi-
 ness of Our Kingdoms, and the Ease of Our People for
 the future, and therein will have a particular Regard to
 such as shew'd a Firmness to the *Protestant Succession*, when
 it was most in Danger. We have therefore found it Ne-
 cessary, as well for the Causes aforesaid, as for other
 Weighty Considerations concerning Us and our Kingdoms,
 to call a New Parliament, and we do accordingly declare,
 That with the Advice of our Privy Council, we have this
 Day given Order to our Chancellor of Great-Britain, to
 issue out Writs in due Form for the Calling a New Par-
 liament; which Writs are to bear Teste on Monday the
 Seventeenth Day of this Instant January, and to be Re-
 turnable on Thursday the Seventeenth Day of March next
 following.

Given at Our Court at St. James's, the Fifteenth
 Day of January 1714, in the First Year of Our
 Reign.

This Proclamation, (which so plainly express'd His Maj-
 esty's just Resentment both of the base, and traiterous Means,
 by which the Disaffected endeavour'd to asperse his Royal
 Person, and Government, and of the *Miscarriages* of the
 late Ministry) open'd the Eyes of Abundance of People, who
 had been deluded by the Artifices of the *Tools* of *Iniquity*; and
 prepared them to chuse such Men to represent them
 in Parliament, as would strictly enquire into those *Mis-
 carriages*.

On Thursday, the 20th of January, being the Day appoint-
 ed for a General Thanksgiving to Almighty GOD, for the
 King's happy and peaceable Accession to the Throne, His Ma-
 jesty, with their RR. HH. the Prince and Princess of Wales,
 attended by the chief Officers of State, Privy Counsellors,
 others of the Nobility, and some of the foreign Ministers,
 went from St. James's Palace to the Cathedral Church of
 St. Paul's, where after Divine Service, and the Singing of
Te Deum, an excellent Sermon was preach'd by the Right
 Reverend Dr. Richard Willis Lord Bishop of Gloucester.

But,

But, the same Day, a Seditious Sermon was preach'd at St. Andrew's, Holbourn, by a noted Incendiary, who, at this Juncture, seem'd to be employ'd to raise the same Spirit of Discord and Rebellion which occasion'd such Confusion and Distraction in the late Reign. Those who heard it, averr'd, that the Preacher, instead of exciting the People to thank God for His Majesty's happy Accession to the Crown, directly reflected upon His Majesty's Administration, and obliquely on his Royal Person: Nor was he wanting to charge the Court, the City, and Army with Debauchery, in such a manner as bespoke him to be possess'd with a Spirit of Calumny and Slander, and not with a true Gospel Spirit, to reprove, in order to reform, had he been certain of the Matter of Fact. He charg'd it upon the Ministry as a horrid Crime, that they had advis'd to appoint the Thanksgiving on that Day, when King Charles I. was first brought to his Tryal; than which there can be no greater Proof of the Incendiaries, Madness and Folly; for it can never be suppos'd that his Majesty and his Ministers wou'd appoint a Thanksgiving on that Day with any View to justify that a legal Tryal which issued in the Ruin of the Monarchy; For if they had, the 30th of January, which was so near, had been much more proper; but the Malice of the Faction, made them capable of straining every Thing to a wrong Sense, in order to inflame the Minds of the People, to alienate their Affections from the King and his Government, and to promote the Interest of the Pretender.

The Elections for Parliament-Men drawing on, both Whigs and Tories bestirr'd themselves, with usual Application, Diligence, and Industry, to get Men of their respective Interests and Principles chosen in the City of London, which generally has a great Influence on remote Elections. The Whigs or Court-party, expected to have carried it for Sir John Ward, and Sir Thomas Scawen, Aldermen, and Robert Heysham, and Peter Godfrey, Esqrs. Commoners and Merchants, without any Opposition; but tho' the Tories were divided among themselves as to the Choice of their Candidates, yet on the 19th of January, they at last resolved to set up Sir William Withers, Sir John Cass, Sir William Steuart, and Sir George Mertins, Knights and Aldermen. The Election being appointed to come on the 24th of January, a LETTER to the Livery-men of the City of London, was,

was, that Day, dispers'd, which had the desired Effect : And there was so great an Appearance of the Citiz ns for the Four Merchants at *Guild-Hall*, that they were declared to have the Majority. However, a Poll being demanded for the Four *Tory* Candidates, the same began that Afternoon, and continued till the 29th of January, when the Four Merchants were declared duly chosen. In the City of *Westminster* *Edward Wortley Montague*, Esq; one of the Lords Commissioners of the Treasury, having join'd Interest with Sir *Thomas Croft*, Bart. they were both chosen, on the 24th of January, without any Opposition, as were in *Southwark*, *John Lade* and *Fisher Tench*, Esq; so that the first Elections went undisturb'd in Favour of the *Whigs*. The *Tories* being enraged at the Progress of their Antagonists, resolv'd to use all Methods to put a stop to it : And accordingly having got a great Mobb on their Side at *Brentford*, where the Election for the County of *Middlesex* came on the 27th of January, those who came for the *Whig* Candidates, Sir *John Austin*, and *Henry Barker*, Esq; were so deterr'd by the Insults of the rude, unruly Multitude, (who were encouraged and set on by several Clergy Men) that great Numbers of them went away without giving their Votes : By which Means, the High-Church Candidates, viz. The Honourable *James Bertie*, and *Hugh Smithson*, Esq; had the Majority of Votes.

This Success confirm'd the *Tories* in their fond Hopes, that they would carry most, if not all the Elections for the Counties ; but even in these many of the *Whigs* were chosen. Among the rest, *William Hillersdon*, Esq; was elected one of the Knights, for *Bedfordsire*; *Richard Hampden*, Esq; for *Bucks*; *John Bromley*, Esq; for *Cambridgesire*; The Hon. *Lingham Booth*, Esq; for *Cheshire*; *Gilfred Lurton*, and *James Lowther*, Esqrs. for *Cumberland*; *John Hedworth*, Esq; for *Durham*; *Thomas Middleton*, Esq; for *Essex*; *Matthew Duley Morton*, and *Thomas Stephens*, Esquires for *Glosster-Shire*; *John Bigg*, and *Robert Pigot*, Esqs. for *Huntingtonshire*; The Hon. *Thomas Mildmay Fane*, and *William Delaune*, Esqs. for *Kent*; *Thomas de Grey*, Esq; and *Sir Jacob Astley*, Knt. for *Norfolk*; The Earl of *Hertford*, for *Northumberland*; The Lord *Finch*, and the Hon. *John Noel*, Esq; for *Rutland Shire*; The Lord *Viscount Newport*, and *Sir Robert Corbett*, Bart.

Bart. for Shrop-Shire; John Wallop, and George Pitt, Esquires for Southampton; The Lord Paget and John Ward, Esq; for Staffordshire; Sir Richard Onslow, Baronet for Surry; James Boteler, and the Hon. Spencer Compton, Esqrs. for Sussex; Daniel Wilson, Esq; for Westmoreland; and Thomas Vernon, Esq; for Worcester-shire. As to the Towns and Boroughs in England, the Whigs had generally a Majority of Two to One; and in the County of Cornwall, out of 44 Members 32 of the Court-Party were chosen, which was chiefly owing to the great Interest and Indefatigable Industry of Hugh Boscowen, Esq; Comptroller of His Majesty's Household. Of Sixteen Barons of the Cinque Ports, One only avow'd Tory was chosen; And tho' in Wales, the Elections were almost equally divided between both Parties, yet 'tis remarkable, that the Earl of Oxford's Interest, which some Time carried all before it, was now fallen so low, that his Son, the Lord Harley, lost it at the Town of Radnor, where his Father, and Ancestors had constantly been chosen, Time out of Mind. As for the Elections of Scotland, the Majority was still greater on the side of the Whigs; and, in the Main, in Proportion of Seven to One. 'Twas observ'd that, in some Places, the Tories used extraordinary Methods to support their Declining Party; and particularly, that at the Election for the County of Kent, which came on Tuesday the 8th of February, some Dignify'd Clergy-men, who came to vote for Sir Edward Knatchbull, Bart. and Mr. Hart, against Mr. Fane and Mr. Delaune, (the Two Whig Candidates) had a CHURCH made of Paste-Board, carried on a Hop-Pole before them to Pickington-Heath; But nevertheless the Whigs, who had all Laurels, the Token of Victory, in their Hats, carried it, in Effect, by a great Majority.

However, this Election was fair and quiet, whereas in several Places the Discontented Party were very turbulent, and asserted their boasted Principles of Non-resistance and Passive Obedience, by Tumults and Riots: At the Election for the County of Leicester, a Mob appear'd for Sir Jeffrey Palmer, and Sir Thomas Cave, the two Tory Candidates, and abused and wounded several Friends of Thomas Bird and George Ashby, Esq; who were set up by the Well-wishers to the present happy Establishment; because they generously refused the Bribes that were offer'd them to vote the other Way.

Moreover,

Moreover, the Under-Sheriff was assaulted ; had part of his Cloaths burnt ; was threaten'd to be stabb'd, if he did not make a Return for the Two Knights, before the Poll was half ended ; and, with great Difficulty, escaped with his Life. The like tumultuous and unwarrantable Practices were used at several other Elections, particularly at Cambridge, Banbury, Pontefract, Minehead, Shaftesbury, Hertford, &c. All which were varnish'd over with the specious Pretence of Zeal for the Church.

On the other hand, the Electors, in several Places, drew up Directions or Instructions for their Representatives in Parliament. Those which were given by the Gentlemen and Freeholders of Buckinghamshire, to John Fleetwood and Richard Hampden, Esquires, who on the Second of February were chosen without Opposition, are as follows :

GENTLEMEN,

A. S we have now reposed a very great Trust in you by our unanimous Choice of you, to represent us in Parliament at this extraordinary Juncture, it is but reasonable that you should know our Sentiments, and what it is we expect from you.

We cannot but observe to you, that when the late Treaty of Peace was set on foot, we were in very flourishing Circumstances ; we had been blessed by an uninterrupted Course of Success : Every Campaign yielded us new Victories, and added new Fortresses to the Barrier of our Allies ; our Enemy was quite dispirited, and durst not look our Troops in the Face : We had taken most of his strong Holds, and were just entring into the Heart of his Country : We promis'd our selves that the next Campaign would reduce him to beg Peace on any Terms, and would finish the War with Safety and Glory to us and our Allies : There was nothing requisite to the Honour and Interest of Great Britain, but might have been expected from a Treaty commenced with such a Superiority of good Fortune on our Side.

But instead of this, the Peace was no sooner finish'd, and produc'd, but we found our selves in Worse Circumstances than at the Beginning of the War : We saw Spain and the West-Indies (the very Prize we were contending for) deli-

' ver'd up to a French Prince : The strong Towns we had won
 ' with much Blood and Treasure, given back to France ; our
 ' Allies most perfidiously abandon'd and betray'd ; the grand
 ' Alliance utterly disjointed ; and our Trade in great measure
 ' ruin'd, and given away to our Enemies : The French King
 ' took upon him to treat us just as if he had been the Conquer-
 ' or, and we submitted, as if we had been conquer'd : The
 ' Pretender conceiv'd new Hopes, inflifted great Numbers of
 ' Irish Papists, and wou'd, probably, e're this time, have in-
 ' vaded us, had it not pleased Almighty God to disappoint him,
 ' by establishing the Elector of Brunswick on the Throne of
 ' Great Britain.

' We do therefore, in the first place, expect that you will
 ' enquire, how our Affairs came to take this sudden and unhappy Turn : And if, upon Examination, you shall find that our
 ' late gracious Queen was deceiv'd and abus'd by her Minis-
 ' ters, and the Nation betray'd and sold, we expect that you
 ' will do all that in your power to bring the Offenders to Justice ;
 ' that so the Honour of Great Britain may be repair'd, and
 ' that wicked Ministers may hereafter be deter'd by such Ex-
 ' amples, from sacrificing their Country to their Avarice and
 ' Ambition.

' We do, in the next place, recommend to your Examina-
 ' tion the Affair of Dunkirk. The Demolition of that For-
 ' tress and Harbour was propounded as the great Allurement
 ' to the Peace, but now we find our selves deceiv'd in that ;
 ' forasmuch as we are assured that a New Dunkirk is risen out
 ' of the Ruins of the Old ; and that Mardyke (which is a
 ' Mile and a Half distant from it) is by immense Cost, made
 ' a Port altogether as dangerous to our Trade and Navigation
 ' as Dunkirk was. If the Managers of the late Peace did not
 ' foresee this, they were very Weak and Unskilful States-
 ' men ; but if they did, they were very treacherous to their
 ' Country, in not providing against it in the Treaty ; and in
 ' that Case we hope you will take cognizance of it

' We likewise desire you to enquire into the Application of
 ' the Publick Money since the Cessation of Arms. We are
 ' inform'd, that Greater Sums have been given in Two Paci-
 ' fick Years, than were given in any Two of the most success-
 ' ful Years of the War ; and that notwithstanding this, the
 ' Debts of the Nation are not diminished.

' In

In the last place, we earnestly importune you to consider
 of, and provide some Severer Law for preventing the great
 Expence and Corruption in electing Members of Parliament.
 This is every Day growing to that Excess, that those honest
 Gentlemen who are best qualify'd to represent us, will soon
 grow weary of the Burthen, and decline standing. Ele-
 ctions are now become meer Markets, where the Highest
 Bidder is sure to carry it. If some Stop be not put to this
 wicked and mercenary Practice, it must end in the Ruin of
 our Constitution; for they that buy us, will not fail, one
 time or other, to sell us.

By your Care and Diligence in these Enquiries, you will
 discharge the Duty you owe to us whom you represent, and
 will deserve well of your Country.

The *Instructions given by the Citizens of London to their Representatives for the ensuing Parliament*, and subscribed by
 many thousand Hands, are as follows:

WE the Citizens of London, who have cheerfully ele-
 cted you to represent us in Parliament, and there-
 by committed to your Trust the Safety, Liberty, Property,
 and Privileges, of us and our Posterity, think it our Duty,
 as it is our undoubted Right, to acquaint you, what we de-
 sire and expect from you, in Discharge of the great Confi-
 dence we repose in you, and what we take to be your Duty,
 as our Representatives.

1. We desire and expect, that you will enquire by whose
 Counsels it was, that after God had blessed the Arms of Her
 late Majesty and her Allies with a Train of unparallel'd Suc-
 cesses, she was prevailed upon, contrary to the grand Alli-
 ance, and her repeated Promises from the Throne to Both
 Houses, to send to, or receive Managers from France, to
 treat separately of a Peace, without the Knowledge or
 Consent of our Allies.

2. By whose Advice the Emperor's Minister, the Count *de Gallas*, was discharg'd the Court, for resenting and opposing
 those separate Negotiations, contrary not only to the grand
 Alliance, but to the Queen's particular Assurances to his
 Master.

* 3. By whose Advice the *Whig Ministry* and Parliament,
 and the Duke of Marlborough, were turned off, contrary to
 the

' the Assurances which Her Majesty had given to her Allies, as
 ' well as to some of the chief Citizens of *London*, Directors
 ' of the Bank of *England*, &c. who honestly told Her Ma-
 ' jesty, that it would sink the publick Credit, as it actually
 ' did.

' 4. By whose Advice His Majesty's Memorial, deliver'd by
 his Minister the Baron *de Bothmer*, against those clandestine
 and separate Negotiations, was disregarded, and the said
 Minister affronted.

* 5. By whose Advice and Management our Confederates
 were condemned without a Hearing, and their Memorials
 on that Account, disregarded.

' 6. By whose Advice and Management Her Majesty was
 prevailed upon to come to a Cessation of Arms with our
 common Enemy, and then so surprizingly to withdraw our
 Troops from those of the Allies, which was attended with
 such dismal Consequences.

' 7. By whose Advice and Management all that we had
 gained by a Proflusion of Blood and Treasure, in a glorious
 and successful War, was thrown up, just as we were seizing
 the Prize of our Conquest ; and a free born People brought
 within the View of Slavery.

' 8. By whose Advice and Management our Constitution
 was struck at, by creating Twelve new Lords at once, to
 carry a Vote in the Upper House.

' 9. By whose Advice it was, that the Treaty with the
 Dutch for settling our common Barrier in the *Netherlands*,
 and making them Guarantees for the Protestant Succession,
 was enervated, and a new Treaty, which weaken'd both
 Securities, made in its Place.

' 10. By whose Advice and Management we were mocked
 with Assurances of being free from Danger of the neigh-
 bouring Fortress of *Dunkirk*; and whether the Late Mini-
 stry, or any of them, did agree that the French King should
 make a New Harbour at *Mardyke*, as Part of the Equivalent
 for demolishing the Fortifications and Harbour of *Dunkirk*.

' 11. By whose Advice and Management the best Branches
 of our Trade were exchang'd for Chimera's, and the Ruin
 of the whole endanger'd by a vile Treaty of Commerce
 with *France*.

' 12 How the Expedition to *Canada* came to miscarry ;
 and by whose Advice Her Majesty, contrary to her Procla-
 mations

mations published in *New England, &c.* for encouraging that Expedition, came to allow the French to keep their Interest in Canada, to sell that in Newfoundland, and to settle on *Cape Breton*, to the great Detriment of our Fishing-Trade, and to the manifest Danger of all our Plantations in *North America*.

‘ 13. By whose Advice it was that the Confederates were refus’d to be invited to be Guarantees to the Protestant Succession, though Her Majesty had promis’d it in her Answer to the Address of Both Houses, in 1708.

‘ 14. By whose Advice it was that His now Royal Highness, *GEORGE*, Prince of *Wales*, was deny’d the Liberty to come, and take his Place in Parliament, when the Presence of One of the Illustrious Family of *Hanover* was so absolutely necessary to quiet the Minds of the People, and to secure us from the just Apprehensions we had of Danger from the *Pretender*.

‘ 15. By whose Advice it was, that His Majesty’s Minister, *Baron Schutz*, was discharg’d the Court, because he demanded the Writ.

‘ 16. By whose Advice Sir *Patrick Lawless*, the *Pretender’s* Agent or Envoy, was entertain’d at Court, at the same Time, and honourably convey’d beyond Sea, soon after it was complain’d of in Parliament.

‘ 17. By whose Advise and Management our Holy Church was in Danger of being given up to *Popery*, our Civil Rights to *Tyranny*, and the Way prepared for the *Pretender*.

‘ 18. By whose Advice the *Jacobite* Clans in *Scotland*, were arm’d and kept in pay, and that the Levies of Men for the *Pretender* in *Great Britain* and *Ireland* were so long con-niv’d at?

‘ 19. By whose Mismanagement it was, that the publick Affairs of the Kingdom are brought under the greatest Difficulties, as well in respect to our Trade, and the Interruption of Navigation, as of the great Debts of the Nation, which have been much increased since the last War, as His Majesty has been graciously pleased to inform us, in his Proclamation for calling a New Parliament.

‘ 20. We also desire and expect that you concur in demanding an Account, how the Money rais’d by Parliament,

* has

' has been expended since the Change of the Ministry,
' 1710.

' 21. That you not only concur in such Enquiries, but also
' in a Parliamentary Way, to bring such to Justice as shall be
' found guilty of these Mismanagements; this being a Duty
' owing to our selves as well as our Confederates, and indis-
' pensably necessary for retrieving the Honour of the Nation,
' and restoring a due Confidence and Harmony amongst all
' the Allies.

* 22. That you concur in making such Laws as shall be
' thought further necessary to secure His Majesty's Possession,
' and the Succession of his Royal Posterity, against all Pre-
' tenders, and such Maxims and Doctrines as have been ad-
' vanc'd by any of our Clergy, or others, for supporting the
' pretended Claim, or indefeasible Hereditary Right.

23. That you concur in making such Laws as shall be
' thought necessary for the further Security of the Churches
' of *England* and *Scotland*, as they are severally by Law estab-
' lish'd; and for suppressing those groundless and seditious
' Clamours of the *Church of England's* being in Danger under
' His Majesty's Administration.

24. That you concur in giving the King such Aids, as shall
' be thought necessary for enabling His Majesty to defend the
' Nation, to support and retrieve our Trade, and to keep the
' Ballance of *Europe*, which is threaten'd with a new War,
' by the Intrigues of the Common Enemy.

25. And *lastly*, We desire and expect that you concur in
' such Laws as shall be thought necessary for uniting His Maj-
' ey's *Protestant* Subjects, and particularly for making the
' Toleration allow'd to *Protestant Dissenters* inviolable, and to
' ease them of the Hardships they have been brought under by
' Men of Arbitrary Principles and Restless Passions, because
' of their firm Adherence to the Civil Liberties of the Nation,
' and especially to the *Protestant* Succession when it was most
' in Danger.

These *Instructions*, for an Enquiry into the pernicious Con-
duct of the Late Ministry, appear'd soon after to be the col-
lective Sense of the Commons of Great Britain. On Thur-
day the 17th of March, the Parliament met at Westminster,
according to the Writs of Summons; and, Four Days after,
the King having approved the Choice the Commons had made
of

of Spencer Compton, Esq; for their Speaker, His Majesty, by the Mouth of his Lord Chancellor, made the following Speech to Both Houses.

‘ My Lords and Gentlemen,

‘ **T**HIS being the First Opportunity that I have had of meeting my People in Parliament, since it pleased Almighty God, of His Good Providence, to call me to the Throne of my Ancestors, I most gladly make use of it to thank my Faithful and Loving Subjects, for that Zeal and Firmness that hath been shewn in Defence of the Protestant Succession, against all the open and secret Practices that have been used to defeat it ; and I shall never forget the Obligations I have to those who have distinguished themselves upon this Occasion.

‘ It were to be wished that the unparallel’d Successes of a War, which was so wisely and cheerfully supported by this Nation, in Order to procure a Good Peace, had been attended with a Suitable Conclusion : But it is with Concern I must tell you, that some Conditions, even of this Peace, essential to the Security and Trade of Great Britain, are not yet duly executed ; and the Performance of the Whole may be look’d upon as precarious, until we shall have formed Defensive Alliances to guaranty the present Treaties.

‘ The Pretender, who still resides in Lorrain, threatens to disturb us, and boasts of the Assistance which he still expects here, to repair his former Disappointments.

‘ A great Part of our Trade is render’d impracticable ; this, if not retrieved, must destroy our Manufactures, and ruin our Navigation.

‘ The publick Debts are very great, and surprizingly increased, even since the fatal Cessation of Arms. My First Care was to prevent a further Increase of these Debts, by paying off forthwith a great Number of Ships, which had been kept in Pay, when there was no Occasion for continuing such an Expence.

Gentlemen of the House of Commons,

' I rely upon you for such Supplies as the present Circumstances of Our Affairs require for this Year's Service, and for the Support of the Publick Faith ; the Estimates shall be laid before you, that you may Consider of them, and what you shall judge Necessary for your Safety, I shall think sufficient for mine.

' I doubt not but you will concur with Me in Opinion, that nothing can Contribute more to the Support of the Credit of the Nation, than a strict Observance of all Parliamentary Engagements.

' The Branches of the Revenue, formerly granted for the Support of the Civil Government, are so far Incumbred and Alienated, that the Produce of the Funds which remain, and have been granted to me, will fall much short of what was at first designed for maintaining the Honour and Dignity of the Crown ; And since it is my Happiness (as I am Confident you think it yours) to see a Pr. of Wales, who may in due Time succeed Me on the Throne, and to see Him blessed with many Children, the best and most valuable Pledges of Our Care and Concern for your Prosperity, this must Occasion an Expence to which the Nation has not of many Years been accustomed ; but such as surely no Man will grudge : And therefore I do not doubt but you will think of it with that Affection which I have Reason to hope for from you.

My Lords and Gentlemen,

' The Eyes of all Europe are upon you, waiting the Issue of this First Session. Let no Unhappy Divisions of Parties here at Home, divert you from Pursuing the Common Interest of your Country. Let no Wicked Insinuations Disquiet the Minds of my Subjects. The Established Constitution in Church and State shall be the Rule of my Government ; The Happiness, Ease and Prosperity of my People, shall be the chief Care of my Life. Those who Assist me in Carrying on these Measures, I shall always Esteem my best Friends, and I doubt not but that I shall be able, with your Assistance, to disappoint the Designs of those who would deprive Me of that Blessing, which I most Value, *the Affection of my People.*

As soon as the King was withdrawn, and the Commons gone back to their House, the Lords relolv'd to present an Address of Thanks to His Majesty, which, the next Day, (March 22.) the Committee appointed to draw up the same, reported as follows:

Most Gracious Sovereign,

WE Your Majesty's most Dutiful and Loyal Subjects, the Lords Spiritual and Temporal in Parliament Assembled, beg Leave to present to Your Majesty our most humble and hearty Thanks for Your Majesty's most gracious Speech to Your Houses of Parliament, and to assure Your Majesty, that altho' we met together with Hearts deeply Sensible of the Goodness of Divine Providence to us in Bringing Your Majesty with Safety, and at so Critical a Juncture, to the Throne of Your Ancestors; Yet we could not but become still more affected with that Inestimable Blessing, when we heard so very Affectionate Expressions from Your Majesty towards Your People; so clear and full Assurances from a Prince of such known Honour and Justice, that the establish'd Constitution in Church and State shall be the Rule of Your Government; and so just and tender a Concern for our not having obtain'd those Advantages by the Peace, which would have been but a suitable Conclusion to so glorious and successful a War; nor as yet a due Execution of some Conditions, even of that Peace, Essential to the Security and Trade of this Kingdom.

We are affected with Wonder, as well as with a just Resentment, that a Pretender to Your Majesty's Crown should be yet permitted to reside so near Your Dominions, especially after his publick Boasting of an Assistance he expects here, and his Avowing a Design to Invade this Your Majesty's Kingdom.

We are but too sensible, that our Trade is rendred Impracticable in the most Valuable Branches of it, and of the Ill Effects that must have upon our Manufactures and Navigation: But Your Majesty may be assur'd, nothing shall be wanting on our part that may any way conduce to the Retrieving it.

These and other Difficulties Your Majesty hath met with on Your Accession to the Crown (and which we must observe, in Justice to Your Wisdom and Foresight, would have been Prevented, had Your Opinion been followed) we must confess are

very Great and Discouraging ; however we do not doubt, but that Your Majesty, Assisted by this Parliament, Zealous for Your Government, and the Safety and Honour of their Country, may be able to take such further Measures, as will secure what is due to us by Treaties, ease our Debts, preserve the Publick Credit, restore our Trade, extinguish the very Hopes of the Pretender, and recover the Reputation of this Kingdom in Foreign Parts ; the Loss of which, we hope to convince the World by our Actions, is by no means to be imputed to the Nation in general.

And these good Ends cannot fail of being obtain'd, by Your Majesty's pursuing with Steadiness, as You have begun, the true Interest of this your Obedient and Affectionate People ; And Your Majesty may, by God's Blessing, depend, that in Conjunction with so Loyal a Parliament, You will be able to lay Foundations that can never be moved, not only of the Security and Glory, but even of the Ease and Tranquility of Your Government, and that of Your Majesty's Posterity, for which we offer up our most ardent Prayers, that it may for ever continue to Reign after Your Majesty on the Throne of these Kingdoms, and in Hearts of a People truly Happy, and fully Sensible of their being so.

After the Reading of this Address there arose a great Debate in the Houle, chiefly about these Expressions, And recover the Reputation of this Kingdom in Foreign Parts ; the Loss of which, we hope to convince the World by our Actions, is by no means to be imputed to the Nation in general. The Lord Trevor, the Lord Viscount Bolingbroke, the Earl of Strafford, the Dukes of Buckingham and Shrewsbury, the Earl of Anglesey, the Arch Bishop of York, the Bishops of London and Bristol, and some other Peers, excepted against that Clause, alledging, among other Things, ' That the same was injurious to the late Queen's Memory and even clashing with that Part of His Majesty's Speech, which recommended to Both Houses, the Avoiding all unhappy Divisions of Parties.' The Lord Bolingbroke, in particular, made a long Speech, wherein he express'd the heartiest and deepest Concern for the Memory of the late Queen, his most Excellent Mistress, which, he said, he would ' do all in his Power to vindicate. That he had the Honour to be one of Her Servants, and if he had done any Thing amiss, he would be

‘ be contented to be punish’d for it ; But that he thought
‘ it very hard to be censured and condemn’d without being
‘ heard.’ His Lordship took this Occasion to say a great
Deal in Praise of the King, ‘ That his Majesty had several
‘ Times express’d a great Respect and Tenderness for the
‘ late Queen’s Memory ; and was a Prince of so great Wis-
‘ dom, Equity and Justice, that, he was sure, His Majesty
‘ would not condemn any Man, without hearing what he
‘ had to say for himself ; That so August an Assembly ought
‘ to imitate so great a Pattern :’ And upon these, and other,
Reasons, His Lordship moved that the Words *recover, &c.*
might be soften’d into those of *maintain the Reputation of*
this Kingdom ; and that the rest of the Paragraph might be
left out. The Earl of *Strafford* also excepted against that
Clause, urging among other Reasons, that the same ‘ would
‘ expose the Honour of the Nation Abroad, which, he
‘ was sure, had suffer’d no Diminution during his Negoti-
‘ ations. The Duke of *Shrewsbury* said in particular, ‘ That
‘ the House of Peers ought, on all Occasions, to be most ten-
‘ der, of the Honour and Dignity of the Crown, from which
‘ they derive their own Honour and Lustre ; That when
‘ the like Clause was inserted in an Address of the House
‘ of Commons to the late Queen, upon the Death of King
‘ *William*, he had express’d to several Members of that
‘ House his Dislike of it, because it reflected on the Memo-
‘ ry of that Prince ; and, for the same Reason, he was now
‘ against the said Clause.’ These, and other Arguments
urg’d on that Side, were answer’d, by the Marquis of *Whar-*
ton, the Lord Chancellor, the Earl of *Nottingham*, and his
Brother the Earl of *Ailesford*, the Duke of *Devonshire*, and
some other Peers, who express’d all the Respect and Reve-
rence for the late Queen’s Memory ; rightly distinguish’d
between *Her*, and *Her Ministry* ; and supported the Clause
in Question by Arguments drawn from the Mis-managements
of the latter, hinted at in His Majesty’s Speech. My Lord
Chancellor, in particular, confuted the Objections rais’d by
the Lord *Bolingbroke*, and, among other Things, said, ‘ They
‘ did not condemn any particular Person, but only the
‘ Peace in general, because they felt the Ill Consequences of
‘ it ; That they who advised and made such a Peace, deserv’d,
indeed, to be censured, but that the Words in the Address
‘ being

‘ being general, no Private Person was affected by them :
 ‘ And that the Alteration of the Word *Recover* into that of
 ‘ *Maintain*, would signify no more towards the *Justification*
 ‘ of the *Guilty*, than the Word *Recover* towards the *Con-*
demnation of the *Innocent..* Upon the whole Matter, the
 Question being put whether the Address should be recom-
 mitted or no ; the Negative carry’d it by a Majority of Six-
 ty Six Voices against Thirty Three. The next Day (*March*
 23) the House of Lords, in a Body, presented their Ad-
 dress to the King, who return’d the following Answer :

‘ *My Lords,*
 ‘ I Thank you heartily for this Address : Your Duty and
 ‘ Loyalty to me can never be better express’d, than by
 ‘ shewing a just Concern for the Reputation and Interest of
 ‘ the Nation, since I have no other Thought or View, but to
 ‘ promote the Prosperity and Happiness of my People.

The Speaker of the House of Commons having, the same Day (*March* 23.) reported His Majesty’s Speech, *Robert Walpole*, Esq; stood up, and made a very eloquent Speech, in which he set forth in lively Colours, the great Happiness of these Nations by His Majesty’s seasonable Accession to the Crown ; ran through the *Mismanagements* of the Four Last Preceding Years ; and concluded with a Motion for an Address of *Thanks* to the King, conformable to the several Heads of His Majesty’s Speech. He was seconded by the Lord *Inchingbroke* ; and none but Sir *William Whitlocke* having raised any Objection against Mr. *Walpole*’s Motion, it was resolv’d, That the said Address be presented to His Majesty. The next Day (*March* 24.) Mr. *Walpole*, Chairman of the Committee, appointed to draw it up, reported the same to the House, as follows :

Most Gracious Sovereign,
 YOUR Majesty’s most dutiful and loyal Subjects, the
 Commons of *Great Britain* in Parliament assembled,
 return Your Majesty their unfeigned Thanks for your most
 gracious Speech from the Throne.

‘ Tis with inexpressible Joy, that we approach Your Majes-
 tity, peaceably seated upon the Throne of your Royal Ance-
 stors ; and being thoroughly sensible of the many open and se-
cret

cre: Practices that have of late Years been used to defeat the Protestant Succession, we cannot sufficiently adore the Divine Providence, that so seasonably interposed and saved this Nation by Your Majesty's happy Accession to the Crown.

Your faithful Commons receive, with the highest Gratitude, your most gracious Assurances, that the Established Constitution in Church and State shall be the Rule of your Government; and the Safety, Ease, and Prosperity of your People, the chief Care of your Life. We are sensible of your Goodness expressed to those who have distinguished themselves by their Zeal and Firmness for the Protestant Succession: And as we doubt not but the Wisdom and Stedfastness of your Government will unite the Hearts of all your faithful Subjects in Duty and Affection to your Sacred Person, so we most humbly beg Leave to assure Your Majesty, that we not only highly resent the wicked Insinuations used to disquiet the Minds of your Subjects, but are resolved, to the utmost of our Power, to suppress and extinguish that evil Disposition that is still at work to deprive Your Majesty of the Affections of your People.

We are sensibly touched, not only with the Disappointment, but with the Reproach brought upon the Nation by the unsuitable Conclusion of a War, which was carry'd on at so vast an Expence, and was attended with such unparalleled Successes: But as that Dishonour cannot in Justice be imputed to the whole Nation, so we firmly hope and believe, That thro' Your Majesty's great Wisdom, and the faithful Endeavours of your Commons, the Reputation of these your Kingdoms will in Due Time be vindicated and restored.

We are under Astonishment to find, that any *Conditions of the late Peace, essential to the Security and Trade of Great Britain, should not yet be duly executed; and that Care was not taken to form such Alliances, as might have render'd that Peace not precarious.* And as no Care shall be wanting in your loyal Commons to enquire into these fatal Miscarriages, so we entirely rely on Your Majesty's Wisdom to enter into such Alliances as you shall judge necessary to preserve the Peace of Europe; and we faithfully promise to enable Your Majesty to make good all such Engagements.

It is with just Resentment we observe, that the Pretender still resides in Lorrain, and that he has the Presumption, by Declarations

Declarations from thence, to stir up Your Majesty's Subjects to Rebellion: But that which raises the utmost Indignation of your Commons is, that it appears therein, that his Hopes were built upon the Measures that had been taken for some Time past in *Great Britain*. It shall be our Busines to trace out those Measures whereon he placed his Hopes, and to bring the Authors of them to condign Punishment.

Your Commons are under the deepest Concern, that a great Part of our Trade is render'd impracticable, which, if not retrieved, must destroy our Manufactures, and ruin our Navigation. But though we are too sensible of those fatal Consequences, we are not yet without Hopes, that Your Majesty's great Wisdom, by the Assistance of your Commons, may find Means to extricate your People from their present Difficulties.

The Blessings derived to these Nations from Your Majesty's auspicious Reign, are not confined to the present Times; we have a Prospect of future and lasting Happiness entailed upon your People, by a long Succession of your Royal Progeny. And as this is a Blessing which these Kingdoms have a long Time wanted, so they could never hope to have seen it so well supply'd, as in the Person of His Royal Highness the Prince of Wales, and His Issue. Your faithful Commons shall therefore think it their Duty to enable Your Majesty to support the Dignity of the Crown, and to make an honourable Provision for the Royal Family.

The surprizing Encrease of the Publick Debts, even since all Thoughts of carrying on the War were laid aside, shall not discourage us from granting such Supplies as shall be necessary for the Service of this Year, and for the Support of Publick Faith: And we do entirely concur with Your Majesty in Opinion, that nothing can contribute more towards preserving the Credit of the Nation, than a strict Observance of all Parliamentary Engagements, which we are firmly resolved, upon all Occasions, inviolably to maintain.

Upon the Reading this Address there arose a warm Debate in the House. Mr. *Shippen*, Mr. *Bromley*, Sir *William Wyndham*, Mr. *Cesur*, Mr. *Ward*, Sir *Robert Raymond*, Sir *William Whitlocke*, and some others, raised several Objections against divers Expressions in the Address: But were solidly answer'd by Mr. (Robert) *Walpole*, General *Stanhope*, Sir *Gilbert*

Gilbert Heathcote, and Mr. Pulteney. General Ross, among the rest, insisted much on the *threadbare Topick*, 'That the 'condemning the Peace, and censuring the Late Ministry, 'was a Reflection on the late Queen, whose Act and Deed the 'Peace was; and that he was sure the reflecting on the late 'Queen could not be agreeable to His present Majesty.' He was answer'd by Mr. Walpole and Mr. Stanhope, 'That no- 'thing was farther from their Intentions than to asperse the 'late Queen; that they rather design'd to vindicate her Me- 'mory, by exposing and punishing those *Evil Counsellors* who deluded her into Pernicious Measures: Whereas the Op- 'posite Party endeavour'd to screen and justify those *Counsel- 'lors*, by throwing on that good, pious, and well-meaning 'Princess, all the Blame and *Odium* of their *evil Counsels*. As to what was alledg'd, that the censuring the Late Min- 'isters, without hearing them, and condemning the Peace, without examining into Particulars, was unjust and unprece- 'dented, it was answer'd, 'That they must distinguish be- 'tween *censuring Ministers* and *condemning the Peace in gen- 'eral*, and *condemning particular Persons*. That they might, 'in Equity and Justice, do the First, because the whole Na- 'tion was already sensible, that their Honour and true Inte- 'rest were given up by the late Peace: That, in due Time, 'they would call them to an Account who made and advised 'such a Peace; but, God forbid, they should ever condemn 'any Person unheard.' On this Occasion General Stanhope took notice of a Report industriously spread abroad, 'That 'the present Ministers never design'd to call the *Late Mani- 'gers* to an Account, but only to censure them in general 'Terms: But that he might assure the House, that notwith- 'standing all the Endeavours had been used to prevent a Dis- 'covery of the late *Mismanagements*, by supressing and con- 'veying away several Papers, yet the Government had suffi- 'cient Evidence left, to prove the Late *Ministry* the most cor- 'rupt that ever sat at the Helm. That those Matters 'would soon be laid before the House; and that, among 'other things, it would appear, that a certain *English* 'General had acted in concert with, if not received Or- 'ders from *Mareschal de Villars*.

Sir Wm. Wyndham, endeavour'd to prove, that the *Peace* had been very Beneficial to this Kingdom ; and offer'd to produce a List of Goods, by which it appear'd, that the Customs had increased near 100,000 l. per Annum. But he was immediately taken up by Sir Gilbert Heathcote, who readily own'd, ‘Sir William, might, indeed, produce a List of vast Imports from France, but defy’d him to shew that our Export thither, particularly of our Woollen Manufactures, had increas’d since the Peace. He added, That Imports being only our Consumption, rather prove our Loss than our Gain ; and that the Nation gets only by Exports, which keep up our Manufactures, employ our Poor, and bring in Returns in Money :’ Upon which Sir Wm. Wyndham was silenc’d. Nor far’d it better with Sir William Whitlocke, who having suggested, That the Whigs design’d to involve the Nation in a *New War*, and lay Six Shillings in the Pound, was assured by Mr. Walpole, ‘That none in the Present Ministry were for a War, if the same could any Ways be avoided ; and that he doubted not, but Two Shillings in the Pound would be sufficient towards this Year’s Service.’ After these and some other Speeches, a Motion being made, and the Question put, That the Address of Thanks be re-committed, it pass’d in the Negative, by a Majority of 244 Voices against 138 ; and resolv’d, That the House do agree with the Committee in the said Address : The next Day (March 25th 1715) the Commons with their Speaker, attended His Majesty at St. James’s with the said Address, to which His Majesty return’d this most gracious Answer :

Gentlemen,

I thank you for the many kind Assurances you have given me in your Dutiful and Loyal Address.

No Endeavours shall be wanting on my Part to promote your true Interest, and endear my Self to all my People : And I will depend on your Zeal and Affection to defeat, all evil Designs that may tend to Disquiet the Minds of my People ; and disturb the Tranquility of my Government.

The Speaker having on the 25th of March reported His Majesty’s Answer, it was resolv’d, ‘to present an humble Address to His Majesty, to return the most humble Thanks

of

of this House, for his most gracious Answer to their Address. On the last Day of March the Commons resolv'd to present Seven several Addresses to the King, for the following Papers to be laid before their House, viz. First, All Powers, Instructions, Memorials, Letters, and Papers relating to the late Negotiations of Peace and Commerce, and to the Cessation of Arms. Secondly, The Proceedings relating to the Demolition of Dunkirk. Thirdly, The Representation from the Russia Company, and the Merchants trading to the Eastern Country. Fourthly, The Representations and Memorials from the Merchants trading to Spain and the West-Indies. Fifthly, An Account of the Proceedings at the Courts of the South Sea Company relating to the *Affieno* and South-Sea Trade. Sixthly, The several Memorials of the Clothiers to the Commissioners of Trade, and what Directions the said Commissioners had receiv'd relating to such Memorials. And Seventhly, The Representations and Memorials of the Turkey Company, and of the Italian Merchants.

The Calling for these Papers, together with the King's Speech at the Opening of this Parliament, and the *Addresses of Both Houses to His Majesty* thereupon, leaving no Room to doubt that a strict Inquiry would soon be made into the Conduct of the late Ministry, People were attentive to the Motions and Steps of those Gentlemen, particularly of the Two Prime Managers, the Earl of Oxford, and of the Lord Viscount Bolingbroke. The first had, for some Time, either flatter'd himself, or amused his Friends, at least, *Acquaintance*, with the Hopes, That he might still be reconciled with the Court: But when he found those Hopes to be altogether Groundless, after having liv'd some Weeks *Incognito*, and skulking in London, he went down to his Country Seat in Wales, on the plausible Pretence of making Interest for his Son and Relations against the ensuing Elections. Some Time after various Reports were spread about: Some said, he still continued in Wales; others that he had been seen at Burton, upon Trent, travelling Northward; others that he had embark'd, either at Milford Haven, or some other Port or Creek in the West, on board a Ship bound for Genoa; and others again, that he was coming up, and would in few Days be in Town: Which various Reports were a true Image of his Past Life and Conduct, Wa-

vering, Intricate, Mysterious, and Puzzled. This is certain, That by an Order or Letter of Attorney under his Hand, said to be dated at *Oxford*, all the Stock he had in his own Name, in the *South-Sea Company*, was sold off and transterr'd, towards the End of the Month of *March*. The Lord Viscount *Bolingbroke*, to do even an Enemy Justice, acted, for some time, a more open, and generous Part: For he not only appear'd publickly both in the Country and in Town, but upon the Meeting of the Parliament, he took his Seat in the House of Peers; and, in the Debate before-mention'd, spoke with all the Resolution, and Unconcernment, if not of an *Innocent Person*, at least of a *Guilty Man of Spirit*. Some pretend, indeed, that the Courage he shew'd, on that Occasion, was principally owing, to the Advice and Infusions of another * Lord, who having been embark'd in the same Cabal, represented to the Lord *Bolingbroke*, ' How much their Cause would Suffer, if He, whose chief Interest it was to support it to the last, should meanly throw it up, by absenting himself; and so persuaded him to appear in the House of Peers, assuring him, That no Hold could be laid on his Person, till he was impeach'd, which could not be, neither, till the Papers relating to that Part of the Administration in which his Lordship was concern'd, had been laid before the Commons, and examin'd. Whether 'twas upon this Encouragement, that the Lord *Bolingbroke* acted the Part beforemention'd, or upon some other Considerations, 'tis certain, That his Heart began to fail him, as soon as he heard that Mr. *Prior*, who was generally reported to have promised to reveal all he knew, was landed at *Dover*. That Gentleman arrived in *London*, on Friday the 26th of *March*; waited the same Evening on the E. of *Dorset*, one of the Gentlemen of the King's Bed Chamber; and the next Morning, was by his Lordship, and the Lord Viscount *Townshend*, introduc'd to his Majesty, who receiv'd him very graciously. The same † Day, Mr. *Prior* was entertain'd at Dinner, by my Lord *Townshend*, together with the Duke of *Roxburgh*, Mr. Secretary *Stanhope*, the Earl of *Dorset*, and the Lord *Lumley*; and was afterwards examin'd by a Committee of the Privy Council.

That

That very Evening, the Lord Bolingbroke left London, and went Post to Dover, in order to embark for Calais, having taken all imaginary Precautions, both to cover his Flight, and to be undiscover'd at Dover. For the very Evening before, he not only appear'd at the Play-house in Drury-lane, but likewise bespoke another Play for the Next Night; and he likewise subscribed for a new Opera, that was to be acted some Time after. On the other hand, he put on an Ordinary Surtout Coat, and a Black Wig, and went under the mean Figure of a Valet to Monsieur *La Vigne*, one of the French King's Messengers. He begun to be miss'd in London, on Monday Morning, the 29th of March; but Captain Morgan, who was instrumental in his Escape, being return'd to Town the next Day, upon Information given of it to the Government, the said Captain was taken into the Custody of One of His Majesty's Messengers. His Examination was afterwards printed in the *London Gazette*, as follows :

Whitehall, March 30.

His Day William Morgan, Late Captain in Major General Holt's Regiment of Marines, appear'd before a Committee of the Lords of His Majesty's Most Honourable Privy Council, and declared, That he having sent one Andrew Galway before to Dover, to provide a Vessel for carrying him over to Calais on some private Business of his own, went Post from London, on Saturday last, for Dover; that on Sunday Morning about Six a Clock, he the said Morgan, being at the Dolphin-Inn in Dover, saw Two Men come into the said Inn, whom he at first took to be French Couriers; that soon after, One of them spoke to him, and discovered himself to be the Lord Viscount Bolingbroke; that His Lordship was in Disguise, having a Black Bob Wig on, with a Laced Hat, and very Ordinary Cloaths; but he the said Morgan knew the said Lord very well, having formerly received several Favours from him; that His Lordship proposed going over in the Vessel which he the said Morgan had hired; that accordingly they went on board on Sunday about Noon, together with the French Courier call'd *La Vigne*, and no other Person; that they landed at Calais the same Evening about Six a Clock; that soon after landing, the Governor of the said Town waited on the Lord Bolingbroke,

and

'and carry'd him to his House, where His Lordship lay; and
'the said Morgan saw him there the Next Morning: And
'that on Tuesday he the said Morgan left that Place.

As soon as 'twas publickly known in London, that the Lord Bolingbroke was gone over to France, the Tories handed about in writing, and on the Second of April dispers'd in Print, the following Letter, said to be writ by him to a LORD, whom some reported to be the Lord Lansdowne, others the Lord Harcourt, and others again the Earl of Strafford.

Doyer, March 27.

My Lord,

I Left the Town so abruptly, that I had no Time to take leave of you, or any of my Friends: You will excuse me when you know, that I had certain and repeated Informations from some who are in the Secret of Affairs, that a Resolution was taken, by those who have Power to execute it, to pursue me to the Scaffold. My Blood was to have been the Cement of a new Alliance; nor could my Innocence be any Security, after it had been once demanded from abroad, and resolv'd on at home, that it was necessary to cut me off. Had there been the least Reason to hope for a Fair and Open Trial, after having been already prejudg'd, unheard by the two Houses of Parliament, I should not have declined the strictest Examination.

I challenge the most Inveterate of my Enemies to produce any one Instance of Criminal Correspondence, or the least Corruption in any Part of the Administration in which I was concerned. If my Zeal for the Honour and Dignity of my Royal Mistress, and the true Interest of my Country, has anywhere transported me to let slip a Warm or Unguarded Expression, I hope the most favourable Interpretation will be put upon it.

It is a Comfort that will remain with me in all Misfortunes, that I served Her Majesty faithfully and dutifully, in that especially, which she had most at Heart, Relieving her People from a bloody and expensive War: And that I have always been too much an Englishman to sacrifice the Interest of my Country to any foreign Ally whatsoever; and 'tis for this Crime only, that I am now driven from thence.

You will hear more at large from me shortly.

Yours, &c.

When

When this Letter was made publick; various Censures and Judgments pass'd upon it ; some maintaining it to be genuine, and others *supposititious*. This is certain, that as the Generality of the Tories own'd it to be true, so others justly look'd upon it as a *Contrivance of their Leaders* both to keep up the Spirits of their sinking Party, and to asperse the *Whigs* with the Imputation of *Violence*. 'Tis certain, on the other Hand, that the said Letter was written, not only in the Style and with the Spirit of the L. B-ke, but also agreeably to his Principles, at least, past *Conduct*, there not being in it the least Mention made of his Affection to the Protestant Succession in the most Serene House of Hanover.

Notwithstanding the Lord Bolingbroke's Flight, which was a plain Indication of his Guilt, many of the Sticklers for the Late Ministry were yet so sanguine, and so bold, as to endeavour to justify their Conduct by extolling the Peace. To this Purpose we must observe, that on the 27th of March, Sir Roger Bradshaigh, introduced by the Lord of the Bed-chamber in waiting, presented to His Majesty the following Address, which openly contradicted the King's Speech, and the Addresses of both Houses of Parliament, to His Majesty.

The Humble Address of the Mayor, Bailiffs, and Burgesses of the Corporation of *WIGAM*, in the County-Palatine of *Lancaster*; at a Common Hall assembled.

Dread Sovereign,

WE beg Leave humbly to condole with you the Death of Her late Majesty, whose Memory ought to be dear to the present Generation, and whose Reign will be esteemed glorious and happy to the latest Posterity : Glorious ! In the Triumphs of War, and carrying the Reputation of the English Arms to a Height unknown to Former Ages : Happy ! In seeing that war terminate in a General, Solid, and Beneficial Peace, for her People, herself being the Arbitress therof.

Give us Leave, as the First Fruits of that happy Peace, to congratulate Your Majesty's quiet Accession to the Imperial Throne of these Kingdoms. Your Majesty's consummate Prudence in Government, Knowledge and Abilities in War, give us Confidence ; your Piety and Virtues give us Assurance ; and your Royal

Royal Issue gives us a Prospect of the long Continuance of all the Blessings that a grateful and dutiful People can wish for.

We take this Opportunity to return our Thanks for Your Majesty's gracious Assurance of protecting the Episcopal Church of England : This, with your being in full Communion with that Church, must make you dear to all the Members thereof. We cannot but please ourselves with the Hopes, that by the Establishment of your Family amongst us, the favourable Conjunction (which has been so long wish'd for) is now come, to extend the Episcopal Government to the Reformed Churches abroad ; which, as we believe it the only Foundation possible to unite the Christian World upon (if ever it must be so happy) so it must render you above all things, glorious to the whole Reformation, by being the happy Instrument of so universal a Benefit.

Upon all these Hopes and Prospects, we are ty'd, as well by our Interest, as the Principles of our holy Church, to pay you our Allegiance in an inviolable manner, and to pray, that after a long Continuance of a prosperous Reign here, you may be translated to one eternal hereafter.

But this Address was contradicted by a great many others, from Powerful and Considerable Bodies : To which Purpose we may take notice, that, on the 7th of April the Deputy Lieutenants of the County of Middlesex, and City and Liberty of Westminster, gave a most magnificent and splendid Entertainment to the Earl of Clare, their Lord Lieutenant ; the Lord Viscount Townshend, General Stanhope, the Earl of Lincoln, and several other Persons of Distinction. At this Meeting the Lord Lieutenant, and Deputy Lieutenants, agreed upon an Address, drawn up by Richard Steele, Esq; one of their Body ; which, the next Day, the Earl of Clare, at the Head of his Deputy Lieutenants, and being introduced by the Lord Viscount Townshend, presented to His Majesty, as follows :

To the King's Most Excellent Majesty.

The Humble Address of the Right Honourable the Earl of Clare, Lord Lieutenant, and the Deputy Lieutenants of the County of Middlesex, and City and Liberty of Westminster.

WE Your Majesty's most dutiful and loyal Subjects, the Lord Lieutenant and Deputy Lieutenants of the County of Middlesex,

Middlesex, and City and Liberty of Westminster, beg Leaves upon our First publick Meeting, to congratulate Your Majesty upon your safe and peaceable Accession to your undoubted Right. We receive the invaluable Blessing with all the proper Sentiments of undissembled Joy, Affection, and Zeal.

Our Joy is the Joy of Men whose Past Fears heighten their Present Satisfaction : Fears which have no other Proof that they were imaginary, but that Providence hath been much more merciful to us than we could in reason expect.

The Liberty and Happiness of Mankind was the glorious Cause, and the glorious End of that Revolution which transmitted to us our present Security : A Transaction which, since Your Accession to the Crown, shines with Redoubled Lustre, and bears upon it such Characters of Glory, as they who have not hitherto been able or willing to see, cannot escape enjoying; in its Influences upon the Publick Welfare.

This Happiness appears confirmed to us, when we behold a British Parliament, once more anxious for the British Honour, equally disposed to enquire into the Behaviour of those who diminished it, and to rescue the injured Reputation of the illustrious Men by whose Councils and Actions it was once raised to the Highest Pitch of Greatness.

From those concurring Circumstances we assure our selves, that the Time is now come, wherein Integrity and Uprightness shall no longer be distinguished from True Policy, wherein Cunning shall no longer pass for Wisdom, nor Deceitfulness for Prudence ; but the Measure of a wise, Just, Benificent, and Steady Administration, shall establish the Prosperity of these Realms, by a strict Alliance with those Powers, the Abandoning of whom has so manifestly appeared fatal to them and our selves.

On this Occasion permit us further to congratulate Your Majesty, in that we cannot but daily observe Numbers of Your Majesty's Subjects act according to their real Sentiments, and, to extricate themselves from the ill Impressions under which they were misled, by Artful Men, to make choice of such as favoured Designs destructive of the Liberties of that very Constitution which they were elected to preserve and defend.

As for us, whom Your Majesty has intrusted with the Militia of this County, we solemnly promise that we will faithfully execute the Trust reposed in us ; that we will be so far from encouraging or countenancing at any of those Riots and Disorders which Your

Majesty has justly complained of, as the Reproach of some late Years, that no Endeavours on our Part shall be wanting to prevent and suppress the least Tendency to any Commotion.

We flatter our selves that our latest Posterity shall enjoy those Blessings we now do in Your Majesty's Reign from the Eminent Virtues of the Prince of Wales, and the pleasing Prospect of his numerous Issue: Which that they may do, are the sincere Prayers of,

Your Majesty's most dutiful and loyal Subjects.

To which His Majesty was pleased to return the following gracious Answer:

I thank you for your very Loyal and Dutiful Address.

And as a further Mark of his Special Favour, His Majesty was pleased to bestow the Honour of Knighthood on Three of the Deputy Lieutenants, viz. Richard Steele, Robert Thornhill, and George Cooke, Esquires.

To resume the Proceedings in Parliament: On Friday the First of April, the Commons resolved to present Addresses to His Majesty for divers Accounts, and Estimates, to be laid before them; and in particular, several Papers relating to the *Assiento Contract*, Newfoundland, the *Cession of Cape-Breton*; and the Representations and Memorials of the Swedish Minister, &c. Four Days after, (April 5th) the Commons resolv'd also to address His Majesty for all the Powers, Instructions, Memorials, Letters and Papers relating to the Negotiations of Peace at the *Hague* in 1709, and the Preliminaries negociated at *Gertruydenberg*; together with the said Preliminaries: All which Papers His Majesty directed to be laid before the House.

The same Day (April 5th) upon a Motion made, That the House would appoint a Day to take into Consideration His Majesty's Proclamation of the 15th of January last, for Calling a New Parliament, the same was immediately read. Sir William Whitlocke, Member of Parliament for the University of Oxford, having made some Exceptions to the said Proclamation as Unprecedented and Unwarrantable, he was call'd upon by some Members of the Court Party to explain himself; upon which he made a kind of Excuse for what he had said: The Matter would have been dropt, had not Sir William Wyndham took it up, and even carried it further, by advancing, 'That

' the

‘ the said Proclamation was not only unprecedented and un-
‘ warrantable, but even of dangerous Consequence to the very
‘ Being of Parliaments.’ The Courtiers could not but take
Notice of so *Home a Reflection*, and thereupon call’d upon
Sir William Wyndham to justify his Charge: But Sir William
who rightly judged, he could not descend to Particulars
without giving further Offence, and sinking deeper in the
Mire, declined explaining himself; Tho’ at the same Time,
he resolutely maintain’d his first Assertion, saying, *That as
he thought some Expressions in the said Proclamation of dan-
gerous Consequence, so he hoped every Member was free to
speak his Thoughts.* He was answer’d, by the Lord Finch,
Eldest Son to the Earl of Nottingham, That Freedom of
Speech was undoubtedly one of the essential Privileges of that
House; But that the House has, at the same Time, both the
Liberty and Power to censure and punish such Members as
transgress the Rules of Decency, trespass upon the Respect due
to the Crown; and abuse the Privileges of the House within
Doors, so as to render it contemptible without. Sir William
being again call’d upon to explain himself, and still persisting
in his Refusal, some Members cry’d the Tower, the Tower:
But Robert Walpole, Esq; to keep up the Characteristick of
his Party, *Moderation*, warded off the Blow. ‘ Mr. Speaker,
‘ said he, (or Words to the same Effect) I am not for grati-
‘ fying the Desire which the Member who occasions this
‘ great Debate shews, of being sent to the Tower: ’Twould
‘ make him too considerable. Besides, as he is a Young Man
‘ of good Parts, who sets up for a warm Champion of the
‘ late Ministry, and one who was in all their Secrets, I
‘ would have him be in the House, when we come to in-
‘ quire into the Conduct of his Friends; Both that he may
‘ have an Opportunity to defend them, and be a Witness
‘ of the Fairness with which we shall proceed against those
‘ Gentlemen; and lest it should be said, That we take any
‘ Advantage over them.’ After several others Speeches, which
prolong’d this Debate from One till Half an Hour past Five
in the Afternoon, *A Motion was made, and the Question put,*
That the House do now adjourn? Which being carried in the
Negative by a Majority of 212 Voices against 134, a Motion
was made and the Question proposed, ‘ That Sir William
Wyndham having reflected upon His Majesty’s Proclamation

‘ of the 15th of January last for Calling a New Parliament, and having refused to justify his Charge, although often called upon so to do, is guilty of a great Indignity to His Majesty, and of a Breach of the Privilege of this House.’ This Motion occasion’d a fresh Debate, that lasted till Seven of the Clock: The Courtiers still insisting that Sir William Wyndham should justify his Charge; and Sir William as obstinately declining to do it, saying, He was ready to undergo whatever a Majority would inflict upon him. At last the Question being put that Sir William Wyndham should withdraw, the same was carried in the Affirmative by 208 Voices against 129: Whereupon Sir William withdrew accordingly; and with him, to a Man, all the 129 Members who had been for the Negative. Their Antagonists being thus entire Masters of the Field, the Question was put, and unanimously resolv’d, ‘ That Sir William Wyndham having reflected upon His Majesty’s Proclamation of the 15th of January last for Calling a New Parliament, and having refused to justify his Charge, although often called upon so to do, is guilty of a great Indignity to His Majesty, and of a Breach of the Privilege of this House. Ordered, That Sir William Wyndham be (for the said Offence) reprimanded, in his Place, by Mr. Speaker. And, That Sir William Wyndham do attend this House in his Place to morrow Morning.’

Sir William Wyndham attending the next Day in his Place, Mr. Speaker address’d himself to him in this manner :

Sir William Wyndham,

I Am to acquaint you that the House has come to this Resolution, That you be reprimanded in your Place by me.

You have presumed to reflect on His Majesty’s Proclamation, and made an unwarrantable Use of the Freedom of Speech granted by His Majesty.

This House has made their Moderation appear, and shewn their Lenity, by laying the mildest Censure your Offence was capable of; I am order’d to reprimand you, and do reprimand you accordingly.

To which Sir William Wyndham replied :

SIR,

I Return you my Thanks for what you have done by the Duty of your Office, in so candid and so Gentleman-like

like a Manner : As I am a Member of this House, I very well know I must acquiesce in the Determination of this House,

But I am not conscious of any Indignity to His Majesty, or any Breach of the Priviledge of this House ; and therefore I have no Thanks to give those Gentlemen, who, under Pretence of Lenity, have brought this Censure upon me.

Thus quietly ended an Affair which, at first, made a great Noise ; the Prevailing Party, with great Prudence avoiding drawing on themselves the least Imputation of Violence and Rigour, which might have prejudiced the Minds of the People, with respect to the intended Important Inquiries into the Conduct of the last Ministry. But nevertheless, the contrary Party gave a malicious Turn to their *Moderation*, in a Libel which, some Days after, was privately handed about, entitled, *The Honour and Impartiality of the House of Commons, set forth in the Case of Sir William Wyndham* : The Writer of which had the Insolence to compare this House of Commons, to that righteous Parliament which was first flesh'd in the Blood of the Earl of Strafford ; and afterwards of the Royal Martyr ; which destroy'd Episcopacy, and overturn'd the whole Laws.

On the 9th of April, Mr. Secretary Stanhope presented to the House, pursuant to their Addresses to His Majesty for that Purpose, all the Powers, Instructions, Memorials, Letters and Papers relating to the late Negotiations of Peace and Commerce, and to the Cessation of Arms, which he deliver'd in at the Table in *Twelve Volumes*, bound up and number'd, and Three other small Books. He took that Occasion to tell the House, ' That nothing had been omitted that might either answer the Desire they had express'd, of being thoroughly inform'd of what had pass'd in those important Negotiations ; or satisfy the whole World, that the present Ministry acted with the utmost Fairness and Candor, and design'd to take no manner of Advantage over the late Managers, in the intended Inquiries ; That indeed, the Papers now laid before the House were only Copies, but that the Originals would be produced if Occasion required : Concluding, That those Papers being too many, and too voluminous to be perus'd and examin'd by

‘ all the Members of the House, He thought it more convenient, and therefore moved, That the said Books and Papers be referr'd to a Select Committee of Twenty Persons, who should digest the Substance of them under proper Heads ; and report the same, with their Observations thereupon to the House.’ Mr. Ward (the Lawyer) said, Nothing could be fairer. That for his own Part, his Principle was that Kings can do Wrong; But that he was of Opinion that their Ministers are accountable for their Male-Administration.

The Earl of Oxford, being, to the general Surprize, come to Town the Night before, his Brother, Mr. Auditor (Edward) Harley, a Member of the House of Commons, took that Occasion to say, ‘ That ’twas easie to see that one of his nearest Relations was principally aim'd at in the intended Inquiries; But he might assure the House, That the said Person, notwithstanding the various Reports had been spread concerning him, would neither fly his Country, nor conceal himself, but be forthcoming whenever he should be call'd upon to justify his Conduct. That, he hoped, he would be able, upon the severest Tryal, to make his Innocence appear to all the World; But if he should be so unhappy as to have been guilty of the Crimes that were laid to his Charge, he would think all his Blood too small a Sacrifice to atone for them.’ No Body oppos'd Mr. Secretary Stanhope’s Motion : Mr. Hungerford only excepted against the Number of Twenty, and moved that One more might be added, which being readily agreed to, it was resolv'd, *First*, That the Books and Papers before-mention'd be referr'd to a Committee; *Secondly*, That the said Committee be a COMMITTEE of SECRECY. *Thirdly*, That the Number of the said Committee be One and Twenty. *Fourthly*, That the said Committee, be chosen by Way of Ballotting; *Fifthly*, That the Members of the House should on the Monday following, at Twelve of the Clock, prepare Lists to be put into Glasses of One and Twenty Persons Names to be the said Committee: And order'd, That the said Books do remain with the Clerk of this House Sealed, as they were then, until the said Committee were chosen.

On Monday, the 11th of April, the Members in *Westminster-Hall*, and Court of Request, having been summon'd by the Serjeant at Arms, to attend the Service of the House, the Clerk and Clerk-Assistant went on each Side the House with Glasses to receive from the Members the Lists of Persons Names to be the *Committee of Secrecy*; and the same being receiv'd and brought up to the Table, a Committee was appointed and order'd to withdraw immediately into the Speaker's Chamber; and that they should report to the House, upon which One and Twenty Persons the Majority fell. Two Days after, Mr. *Bladen* reported from that Committee, that the Majority had fallen upon the One and Twenty Persons following, viz.

Sir Richard Onslow, Bart.
Robert Walpole, Esq;
Spencer Cowper, Esq;
James Stanhope, Esq;
Hugh Boscowen, Esq;
William Pultney, Esq;
Nicholas Lechmere, Esq;
Daniel, Lord Finch.
John Aislaby, Esq;
*Thomas Vernon, Esq; of
Worcestershire.*

Algernoon, Earl of Hertford.
Edward Wortley Montague.
Sir David Dalrymple, Bart.
George Bailie, Esq;
Sir Joseph Jekyll, Knight.
Thomas Erle, Esq;
Richard Hampden, Esq;
Sir Robert Masham, Bart.
Alexander Denton, Esq;
Thomas Pitt, Senior, Esp;
Thomas, Lord Coningsby.

An Objection being made, by some *Tory* Members, to Sir *Joseph Jekyll's* being One of the said Committee, he having not taken the Oaths at the Table; it was readily answer'd, that the same was not owing to any voluntary Neglect, Sir *Joseph Jekyll* being employ'd in the Circuits, as Judge of the County Palatine of *Chester*: Whereupon it was resolv'd, That Sir *Joseph Jekyll* being a Member of this House, was capable of being chosen of the Committee of Secrecy, altho' he had not been sworn at the Table; And order'd, 'First,' 'That the Books and Papers which were order'd to re-
main in the Custody of the Clerk, till this Committee
was chosen, be deliver'd to the said Committee; and
that they do examine the same, and report to the House
what they find material in them; And that they, or any
Five of them, do meet that Afternoon, and sit de Die in
Diem.'

Diem : Secondly, That the said Committee have Power to send for Persons, Papers, and Records. Accordingly, the Committee of Secrecy met that Evening, and chose *Robert Walpole, Esq;* for their Chairman: But that great Man being, the very next Day, afflicted with a violent Fit of *Nephretick, or Stone colick,* the Committee chose *Mr. Secretary Stanhope,* to supply his Place of *Chairman;* and, for Dispatch Sake, subdivided themselves into Three Committees, to each of which a certain Number of Books and Papers were allotted. It is remarkable, that as soon as the King was inform'd of *Mr. Walpole's* Indisposition, His Majesty shew'd a great Concern for the Health of a Person of such bright Parts, and distinguish'd Merit; and sent his Physician to visit him.

The Friends of the Late *Evil Ministers* had hitherto flatter'd themselves with an Opinion, that the Parliamentary Inquiries with which they were threaten'd, wold come to nothing: But being now made sensible, by the Appointing of the Committee of Secrecy, that the Commons were in earnest, they resolv'd to use the most unwarrantable and illegal Methods to deter them from proceeding farther. In Order to that, they laid hold of the First Opportunity that offer'd to raise Riots and Tumults, in the very City of London; an Account of which was publish'd as follows :

Saturday last, the 23d of April, being the Anniversary of the late Queen's Coronation, the Faction who had been at Pains and Expence some time before to prepare a rascally Mob, employ'd their Tools, to assemble them in the Evening. The Chief Place of Rendezvous was at the Conduit on Snow Hill, where they hung up a Flag and a Hoop, and with the Money contributed by several of the Neighbours and others of the Faction, they were accommodated with Wine, a Bonfire, and Illuminations. The Queen's Picture was fix'd upon the Conduit, with this Inscription under it :

Imitate her who was so just and good,
Both in her Actions and her Royal Word.

As soon as the Rabble was heated, they were detach'd in Parties to disturb the Peace of the City and Suburbs, impudently commanding the People to illuminate their Windows, and contribute to their Bonfires. They were so intent upon Mischief, that they not only threw Stones, &c. at such Windows as were not illuminated,

illuminated, but at such People as were setting up Candles to prevent their Windows being broke; and threw Flint Stones of such a Size and Weight, as were enough to have kill'd any Person they had hit. They likewise stopp'd Coaches to extort Money from the Passengers, insulted those that were passing the Streets about their lawfull Occasions, robb'd them of their Hats, Wigs, &c. buffeted them, and threaten'd farther Mischief, if they would not buzz a God bless the Queen and High Church.

It were easy to give many Instances of the Mischiefs done by this villainous Mob; but since the Rioters spread themselves from their Place of Rendezvous to the Middle of the City, on One Side; and as high as Holborn Bars, &c. on the Other; it is almost impossible to give all the Particulars; only on Holborn-Hill, over against St. Andrew's Church, they broke abundance of Windows, and threw in Scores of Stones into Houses at once. A Woman with Child was hurt by one of those Stones of above a Pound Weight, though she begg'd them to forbear till she could put up Candles. A Servant Maid was wounded in the Head by another; and they threw them with such Force that they broke the Tiles of the Chimneys, and flew into the Beds, where poor Infants narrowly miss'd being knock'd on the head. The Villany appears to have been premeditated, for the Stones found in People's Houses were most of a Size, and generally Flints which they had prepared on Purpose, and carry'd in their Pockets. They vented their Spite particularly upon the Houses and Persons of Dissenters, where they knew them.

Another Engine which the enraged Tory and Jacobite Faction, resolv'd to play at this Juncture, to awe the Government, was to set up the Duke of Ormond as the Favourite of the Populace. To this Purpose, we may observe, that on the 29th of April, being His Grace's Birth-day, most of the Discontented among the Nobility and Gentry appear'd at his Levee in Magnificent Habits; and afterwards went to the Devil-Tavern in Fleet-Street, to dme together, and drink His Grace's, and other Suitable Healths. Moreover, undoubtedly by Direction, a Mob gather'd in the Evening near Newgate-market, and went about Pater-noster-row, and other adjacent Streets, exacting Money to make Bonfires to celebrate the Duke of Ormond's Birth-day. Which being altogether unprecedented, and a Compliment only paid to the Royal

Blood, could not but be taken notice of, and give Offence to the Court.

In the mean Time, the *Tory Party* in the House of Commons laid hold on all Opportunities to divide their *Antagonists*, a remarkable Instance of which appear'd on the 13th of May, 1715, when, in a Grand Committee, they consider'd of the *Civil List*. After the Reading of some of the Papers that lay before them, the Courtiers offer'd the following Question, viz. ' That it appears to this Committee, that the Sum of 700000 l. per Annum was settled upon His Late Majesty King William, during his Life, for the Support of His Majesty's Household, and other his necessary Occasions; and at the Time of His Majesty's Demise (after the Deduction of 3700 l. a Week, that was apply'd to Publick Uses) was the Produce of the Civil List Revenues that were conting'd and settled upon Her Late Majesty Queen Anne, during her Life.' Which Question occasion'd a Warm and Long Debate. They who proposed it had Two things principally in their view: First, To vindicate the present Ministry from the Aspersion cast upon them, and industriously spread about, by the Emissaries of the *Late Managers*, that the *Whigs* design'd to give the King a Larger Revenue than His Majesty's Predecessors had enjoy'd: And, in the second place, To make good the Branches of the Revenue assign'd for the Support of the Civil List, which had been alienated, or abridged, so that the whole Neat Produce might amount to the Sum of 700000 l. per Annum. The Leading Men among the *Tories*, being sensible of the First; and, at least, pretending to be ignorant of the Consequences of this preliminary Question, insisted, a long while, *That it was ensnaring*; *that what had been done by former Parliaments ought not to be a standing Rule for the subsequent*; *that supposing the Parliament had given King William a Revenue of 700000 l. per Annum, for the Civil List, they ought to consider that he was to pay out of it 50000 l. per Annum to the Late Queen, then Princess of Denmark; 15, or 20000 l. per Annum for the late Duke of Gloucester; and 40000 l. for the Dowry of King James's Queen.* That after the Late Queen's Accession to the Throne, the Parliament taking notice that the Produce of the Civil List Revenues, exceeded what they had been given for, the Sum of 3700 l. per Week (that is 192400 l. per Annum) was taken out of them, and

and apply'd to other Uses: Notwithstanding which Deduction, the late Q. had honourably maintain'd her Family, and supported the Dignity of the Crown. However, if the present Revenues of the Civil List were not sufficient, they were ready to consent to an Addition. The Courtiers answer'd, 'That the Question before them was founded upon Facts, which, if deny'd, they were ready to prove by the Records of the House.' But Sir William Wyndham still urging, that the Question was ensnaring, Mr. Secretary Stanhope answer'd, 'That he would be very plain with them, and own, that as 'twas notorious that great Endeavours had been used to alienate the Affection of the People from the King and his Government, by false Suggestions that they design'd to plunge the Nation into extraordinary Expences, they thought it highly necessary to clear His Majesty and his Ministers from that malicious Aspersion.' To this the Lord G----ey reply'd, *That the Disaffection of the People, if any, did not proceed from His Majesty, but from the Hardships his Ministers put on the Tory Party.* To which it was smartly return'd, 'That as soon as 'twould be made known to the World, how the Late Ministry had used not only the Whigs, but the whole Nation, nothing that could be done against them would then be thought a Hardship: But, however, that neither that noble Member, nor any of his Family, had Reason to complain of Hardships.' After some other Speeches, which prolonged the Debate from Two till about Five in the Afternoon, the Tories endeavour'd to drop the Question, by moving, *That the Speaker resume the Chair:* But the Question being put upon this Question, the same was carry'd in the Negative by a Majority of 244 Voices against 148. After which the First Question was put, and carry'd in the Affirmative, by about the same Majority. Then the Victorious Party moved, 'That to enable His Majesty to support the Dignity of the Crown, and to make an honourable Provision for the Royal Family, there be granted to His Majesty during his Life (which God long preserve) an Additional Revenue, which, together with the Net Produce of the Civil List Branches, may make up the clear Yearly Sum of Seven Hundred Thousand Pounds, for the Service of His Majesty's Household and Family, and for other his necessary Expences and Occasions.' The Question, b. 2 being

being put upon this Motion, the same occasion'd another great Debate. Sir Thomas Hanmer, Mr. Bromley, Sir William Wyndham, Mr. Casar, Mr. Hungerford, and some other leading Members among the *Tories*, who, on this Occasion, were strengthened and back'd by some eminent *Whigs*, did not at first directly oppose the Question, but insinuated, that before they came to that Resolution, ‘it should be proper that a Particular of the King's Expences should be laid before the House.’ Mr. Walpole, Mr. Stanhope, Mr. Lechmere, and some other Courtiers, who, on this Occasion, were join'd by some of the *Opposite Party*, having exploded that Proposal, as altogether inconsistent with the King's Honour, to have all the private Expences of his Family and Household look'd into, as if he had need of a Guardian: The *Tories* then moved that the Sum of 600000*l.* per *Annum* be given to His Majesty, and 100000*l.* per *Annum* settled on the Prince of *Wales*. The Courtiers perceiving that the Proposal of giving the Prince of *Wales* a Separate Revenue, was only a Design to divide the Royal Family, by lessening the Dependance of the Next Heir apparent on His Majesty, opposed it with great Warmth: And the Question being put upon that Motion, the same was carry'd in the Negative, by a Great Majority. The *Tories* having lost these two Points, some of that Party more openly opposed the main Question. Among the rest, Sir William Wyndham said, ‘He had the Honour to serve Her Majesty, and had the Opportunity to look both into her Revenue and Expences; and he could assure the House, that about 500000*l.* per *Annum* were sufficient for the Support of her Family, and Civil List; tho' she reserved about 50000*l.* a Year for the Late King James's Confort.’ The Courtiers were glad of this last Confession; and Mr. Secretary Stanhope desired the Committee to take notice of what that Gentleman had advanc'd; because it would serve to confirm some Matters which the Committee of Secrecy had found in the Papers that were laid before them. A *Whig* Member, who, at this Time, spoke on the *Tory* Side, made some Reflections on the present unthrifthy Administration of His Maj's Revenue; and, in particular, took notice of the Salaries of the Judges being advanc'd; *Not*, said he, *for Services done, but expected*. Upon the whole Matter, the Question being put upon the Motion before mention'd,

mention'd (about Seven a Clock in the Evening) the same was carry'd in the Affirmative without dividing. What's most remarkable in this Day's Debate, and is the main Reason of its being mention'd in this Place, was the Division that appear'd among the *Court-Party*, which was chiefly ascribed to the Counsels of the Earl of Halifax, whose *Ambition* (as was hinted before) began to make those at the Helm very uneasy. But they were soon rid of that Trouble: For His Lordship being, on the 15th of May, taken ill, he dy'd on the 19th, of an Inflammation of the Lungs: And it was observ'd, that notwithstanding he had ever been a strenuous *Assertor* both of the *Revolution* and *Hanover Succession*, yet he was more regretted by the *Tories*, than by the *Whigs*: Which confirm'd the general Opinion, That His Lordship had enter'd into Measures with some of the *Late Managers*, to stave off the intended *Impeachments*.

All this while, the *Tories* and *Jacobites* endeavour'd to alienate the Minds of the People from the present Settlement; and, by *Riots* and *Tumults* on publick Festivals, to prepare them for a general Insurrection. To prevent the dangerous Tendency of such tumultuous Assemblies, the Justices of Peace of the City and Borough of *Westminster*, did, on the 5th of May, make the following Order:

‘*I*t having of late frequently happened, by the Instigation and Encouragement of some wicked, seditious, and ill minded Men, under false Pretences of Joy, but with real Design to disturb the Peace of the Government, that several idle, loose, disorderly, mean Persons, have riotously and tumultuously met and assembled themselves together, with great Noise and Clamour, committing several Outrages and Breaches of His Majesty's Peace, to the certain Hurt and Damage, as well to the Bodies as Habitations of many, and to the great Terror and Affrightment of all His Majesty's Good Subjects; the like which Riots, Routs, and Unlawful Assemblies, unless hereafter hinder'd and prevented, or timely repressed, may prove of very dangerous Consequence and Hazard to the good State and Government of the Nation. His Majesty's Justices of Peace for this City and Liberty, being deeply affected with the Disorders that have already happen'd, and considering the most proper Methods

for

for preventing the like for the future, have agreed and resolv'd to put the several Laws against Riots, Routs, and unlawful Assemblies, in strict Execution; And they have thought fit and do accordingly order, That the High and Petty Constables of and within this City and Liberty, as also the several Beadles and Watchmen within the same, do take effectual Care, and use their utmost Diligence, not only in the Night, but in the Day-time, as there shall be Occasion; and more especially, when there shall be the most likely Fear and Suspicion of the gathering together of loose and disorderly Person, to commit Riots, within any of their Parishes or Precincts, and if need be, that they meet and join together, by the Direction of any of the Justices of Peace of this Liberty, or the High-Constable thereof, to prevent all such Riots, Routs, and unlawful Assemblies, in the said Parishes, Precincts, or any Part of the said Liberty. And if such Riots, being made cannot be suppress'd but with greater Force, that the said High and Petty Constables do summon and require, as by Law they may, such a sufficient Number of Inhabitants to aid and assist them, their Beadles and Watchmen, in the Suppression thereof, as shall be needful and requisite: And that they apprehend the Offenders in such Riots, Routs, and unlawful Assemblies, and bring, or cause them to be brought before one, or more, of his Majesty's Justices of Peace of this Liberty, or before his Majesty's Justices of Peace, who will be daily assembled in Petty-Sessions, within their respective Divisions, on this Occasion, to answer and be dealt withal according to Law: Hereof the said High Constable, Petty Constables and Beadles may not fail at their Perils: And to the End due Notice of this Order may be had to all Persons concern'd, It is further order'd, That a sufficient Number of Copies hereof be printed and affix'd on such publick Places, and dispers'd in such Manner, as the High Constable of this Liberty shall think fit.

By Order of the Justices,

W. Taylor, D. Cl. Pac.

But it soon appear'd that this Order was too weak a Curb to restrain the Insolence of the deluded Multitude: Of which the Government being apprehensive, the Night before the King's Birth-Day, (the 28th of May,) Orders were given to the Life-Guards, and Horse-Grenadiers to be

be ready to mount upon the First Notice. Whether the Discontented had Notice of this Precaution, or no, they were pretty quiet on that Festival; And the Constables, who had been posted in several proper Places, made shift to preserve the Peace of the Cities of London and Westminster; and took up such Persons as offer'd to disturb it. But, it seems, the High-Church and Jacobites reserv'd the Demonstrations both of their *Insolent Joy*, and *Saucy Disaffection* for the next Day; which being, by Parliamentary Appointment, the Anniversary of the Restoration of the Royal Family, they resolv'd to celebrate it, in a most extraordinary Manner, throughout all England; not only out of a Compliment to the past, but, rather, with the fond *Hopes* and *Wishes* of a future Restoration. It was observ'd, That many who on the King's Birth Day affected to be in *Mourning*, put on *New-Cloaths* on this Occasion; And in the Evening the Tories not only made greater Illuminations and more Bonfires, than the Whigs had done the Day before; but likewise excell'd above the latter by their *Mobbs*, who in several Places, particularly in the City, broke the Window Glasses of such Houses as were not Illuminated; without sparing those of the Lord Mayor. Four Life-Guards, who were patrolling were insulted by a Mobb that made a Bonfire in *Chancery-Lane*; and oblig'd, to cry with the Populace, for HIGH-CHURCH and the Duke of ORMOND. In Smithfield there was the greatest Mobb, that was known in London since Sacheverel's Tryal; and who burnt in great Pomp, the Effigie of Oliver Cromwell, or as some pretend, of Mr. Hoadly. In Ludgate-Street and other Places, the Pretender's Health was publickly drank; and there being but Four Companies of the Trained-Bands under Arms that Night, they were not able to quel the riotous Multitude every where. However, about Thirty of the Mutineers were secured, and committed to the Counter and other Prisons. The same Evening also, one Bourgeois, a French Popish School-master was by Sir Charles Peers committed to Newgate, for High-Treason; having affirm'd, That King George had No Right to the Crown. But the Disorders that happen'd in London and Westminster, both on the Restoration Day, and the preceding Night, were not

not to be compared to the Riots and Tumults committed; on those Two Festivals, in several other Places, particularly at Oxford; which seem'd to be a Signal for the High Church Mobb, in England, to insult the Dissenters, and pull down their Meeting Houses: Which ill Humour was set a-running by the Leaders of the Faction, under a specious Zeal for the Church; but with a true Design to over-set the Government by an Open Rebellion.

To this Purpose, we may observe, That about the middle of May an intercepted Letter was transmitted from Ireland to the Government, written by Captain Wight, a Reformed Officer of Windsor's Regiment here in England, to his Friend in that Country; and, by a Mistake, carried to one of the same Name, wherein were these traitorous Expressions: *The Duke of Ormond has got the better of all his Enemies; and I hope we shall be able in a little Time to send G---E Home to his Country again.* Heretofore a Warrant was issued out from the Secretary's Office for Apprehending the said Captain Wight, who absconding, a Reward of Fifty Pounds was offer'd by the Government, to whomsoever should discover him. About this Time also, Mr. George Jeffreys was seized at Dublin, upon his Landing there from England; and being brought to be examin'd before the Lords Justices, a Packet was found about him, directed to Doctor Jonathan Swift, Dean of St. Patrick, Dublin, one of the most profligate, mercenary Tools of the late Managers. This Packet Mr. Jeffreys own'd he had receiv'd from one of the Duke of Ormond's Chaplains; and several Treasonable Papers being found in it, the same were transmitted to the Government; and, in the mean Time, Mr. Jeffreys was oblig'd to give Bail for his Appearance; of which the Libeller Swift having Notice, and that Search was made after him, he thought fit to abscond.

From all these Passages, it is evident, to a Demonstration, that in order to prevent an Inquiry into former Miscarriages, and Mismanagements, there was a Design formed by the Late Ministers, and their Adherents, not only to distress, but even totally to subvert the present happy Settlement, which shews both the Reasons and Necessity of Impeaching the said Ministers.

The History of the Impeachments of the Late Ministry.

ON Wednesday the First of June 1715, the Lords sent down to the Commons the Bill for the better regulating the Forces to be continued in His Majesty's Service, &c. And the Amendments made to the Bill by their Lordships being read, a Motion was made, and the Question put, That the further Consideration of the said Amendments be adjourn'd: Which was carried in the Negative; and then those Amendments were severally read a Second Time, and agreed to by the House. Mr. Skippen, having on this Occasion, reflected on the present Administration, as if they design'd to set up a Standing Army, and insinuated as if, after the great Clamour that had been raised; their *Secret Committee* would end in *Smoke*: He was smartly taken up by Mr. Boscawen, Comptroller of His Majesty's Household, who said, 'He could not forbear taking Notice of the Insolence of a certain Set of Men, who having committed the blackest Crimes, had yet the Assurance to dare the Justice of the Nation; But that he hoped, those Crimes would not long remain unpunish'd; that the Committee of Secrecy were ready to make their Report; and had directed their Chairman, to move the House, the very next Day, that a Day might be appointed for receiving the said Report; and, That in the mean Time, he might venture to assure the House, That they had found sufficient Matter to impeach of High-Treason, several Lords and some Commoners.' Mr. Walpole, said to the same Purpose, 'That he wanted Words to express the Villainy of the last Frenchified Ministry; and Gen. Stanhope added, 'He wonder'd, that Men who were conscious of being guilty of such enormous Crimes, had yet the Assurance and Audaciousness to appear in the Publick Streets.' The next Day (June 2.) Mr. Walpole acquainted the House, from the Committee of Secrecy, 'That they had examin'd the Books and Papers refer'd to them, and had Matters of the greatest Importance to lay before the House; and that the Committee had directed him to move the House, that a Day might be appointed for receiving their Report: Upon which, after a small Debate, it was order'd, That the Report be receiv'd upon that Day Seven-night; and that all the Members do then attend the Service of the House, upon Pain of incurring the highest Displeasure of this House.'

On the 3d of June the King came to the H. of Peers, to give the Royal Assent to the *Malt Bill*, and to the *Act for the better regulating the Forces*: After which the Commons adjourn'd to Wednesday the 8th of June, by Reason of the *Whitsun* Holy Days; But order'd, That, the Committee of Secrecy have leave to sit during the Adjournment of the House.

On the 9th of June Mr. Walpole from the Committee of Secrecy, acquainted the House, That he had a Report to present, but that he had the Commands of the Committee to make a Motion to the House before he read the Report; That there are in the Report Matters of the highest Importance: That altho' the Committee had Power to send for Persons, Papers and Records, they did not think fit to make use thereof, believing it to be necessary, in order to bring Offenders to Justice, that some Persons should be secur'd before 'tis possible they should know what they are to be examin'd to, and lest they should have Notice from what should be read in the Report, to make their Escape: He was commanded by the Committee (according to former Precedents) to move, that a Warrant may be issued by Mr. Speaker to apprehend certain Persons who shall be named to him by the Chairman of the said Committee; and that no Members may be permitted to go out of the House. Hereupon it was Ordered, 1st, That the Lobby be cleared of all Strangers, and the Back-Doors of the Speaker's Chamber be lock'd up, and the Key brought and laid upon the Table; And that the Serjeant do stand at the Door of the House, and suffer no Member to go forth. 2dly, That Mr. Speaker do issue his Warrant to the Serjeant at Arms attending this House, to take into his Custody such Persons as shall be named to Mr. Speaker by the Chairman of the Committee of Secrecy, in order to their being examin'd before the said Committee. Hereupon Mr. Speaker issued out his Warrants to the Serjeant at Arms, to take into his Custody several Persons that were named to him by Mr. Walpole, particularly Mr. Matthew Prior, and Mr. Thomas Harley, the first of whom was immediately apprehended, and the other some Hours after.

This done Mr. Walpole acquainted the House, 'That the Committee of Secrecy had perused the Books and Papers referred to them, and had agreed upon a Report, which they had commanded him to make: That it was contain'd in Two Books, One of which was the Report, the other by Way of Appendix to it, contain'd at large those Letters and Papers which were referr'd to in the Report.' And he read the Report in his Place, and afterwards deliver'd the same in at the Table, together with the Appendix, and the Books which were referr'd to the said Committee. The Reading of the said Report having taken up about Five Hours, viz. from One till about Six in the Afternoon, a Motion was made by the Friends of the late Ministry, and the Question put, That the further Consideration of the Report be adjourn'd till the next Morning, but the same being carried in the Negative by a Majority of, 282 Votes against 171; it was order'd that the Report

port be now read: And the Clerk of the House having read Part of it, till Half an Hour past Eight, the further Consideration of it was adjourn'd till the next Morning; and the Call of the House to Monday Seven night, the 29th of June.

Before we proceed, it is necessary to observe, That the several Books and Papers referr'd to the Committee chiefly relating to the late Negotiations of Peace and Commerce; 2. To the intended Demolition of Dunkirk; 3. To the Obtaining and Disposing of the Affento Contract; 4. To some Negotiations concerning the Catalans; And 5. To secret Transactions relating to the Pretender: The Committee have in this Report only gone through the Books and Papers that relate to the 1st, 4th, and 5th Heads; and have reserv'd for another Report, the Affairs of Dunkirk and the Affento.

The first Part of this Report, may be subdivided into Ten Points, viz. 1. The Clandestine Negotiations with Mr. Mesnager, which produced two Sets of preliminary Articles; the one private and special for Gr. Britain only; the other General for all the Allies. 2. The extraordinary Measures pursued to form the Congress at Utrecht. 3. The Trifling, and Amusements of the French Plenipotentiaries at Utrecht, by the Connivance of the British Ministers. 4. The Negotiation about the Renuntiation of the Spanish Monarchy. 5. The fatal Suspension of Arms. 6. The Seizure of Ghent and Bruges, in order to distress the Allies, and favour the French. 7. The Duke of Ormond's Acting in Concert with the French Gen. 8. The L. Bolingbroke's Journey to France to negotiate a Separate Peace. 9. Mr. Prior's and the D. of Shrewsbury's Negotiations in France. And 10. The precipitate Conclusion of the Peace at Utrecht. After this, the Committee offer to the House what they have found material in the Papers referr'd to them, concerning the Catalans, and the Pretender; insert at large, a Letter from the E. of Oxford to the Queen, with an Account of publick Affairs from Aug. 8. 1710, to June 8. 1714; and take Notice of several glaring Inconsistencies, that are obvious to every Body, by Comparing the late Queen's Declarations, with the Measures her Ministers presumed to take. This Report is digested into a clear, easie Method; written in a plain, but nervous and manly Stile; and with the Dignity becoming a Select Number of Men, pick'd out in so great an Assembly, as the Commons of Gr. Britain; and interwoven with most judicious Remarks and Observations, that both trace every Step to its true Cause, and illustrate the Whole, which must be allowed to be a Master-Piece in its kind.

To begin then: THE COMMITTEE was in hopes, in so Voluminous an Inquiry, to have been able to trace out the whole Progress of these Negotiations; but to their Surprize they find a want of several Papers referr'd to in those that have been deliver'd to them, and frequent and long Interruptions of some very material Correspondences that were carry'd on: But, however, the Committee proceeded to draw up the following Report, warranted and founded upon such Authorities, as the Persons concern'd vouchsafed not to suppress.

The first material Paper is Entituled, *The first Propositions of France*, sign'd by Monsieur de Torcy, Aprill 22, 1711. N. S. To whom these Propositions were directed, what previous Steps had been made on the part of *France*, or what Encouragement had been given on the part of *England*, does not appear; but it is evident that they are conceiv'd in very loose and general Terms; that from the beginning the Design of *France* was to secure *Spain* and the *West-Indies* to King *Phillip*; to create Jealousies among the Allies; and that *France* offer'd to Treat with *England* and *Holland* either by themselves, or jointly with the rest of the Allies, which was left to the Choice of *England*.

On the 27th of April, 1711. O. S. Mr Secretary St. John, transmits these Propositions to Lord Raby, the Queen's Ambassador at the *Hague*, with Orders to Communicate them to the Pensionary, *To assure that Minister the Queen was resolv'd in making Peace, as in making War, to act in perfect Concert with the States, and desires the Secret may be kept among as few as possible;* he confesses that the Terms of the several Propositions are very general, that there is an *Air of Complaisance shown to England, and the contrary to Holland*, which might be of ill Consequence, but can be of none, as long as the Queen and States take care to understand each other, and to act with as little Reserve as becomes two Powers so nearly ally'd in Interest; and desires the Pensionary to be assur'd, that this Rule shall on our Part be inviolably observ'd.

Lord Raby by his Letters of May the 25th and 26th, 1711. N. S. to Mr. St. John, in answer to these Orders and Assurances, acquaints him, *That the Pensionary had, with those of that State who had been formerly employ'd in the Negotiations of Peace, consider'd Monsieur de Torcy's Propositions, and the obliging manner in which her Majesty was pleas'd to Communicate them;* that they thank'd her Majesty for her Confidence in them, and assure her, that theirs is reciprocal; and that as her Majesty had promis'd, she will make no step towards a Peace but in concert with them, they desire she may be assur'd of the same on their Part; and they urge the necessity of an entire Confidence one with the other at this critical Juncture; they declare themselves weary of the War, which they endeavour to conceal from the Enemy, lest he should make his Advantage by it; and that they are ready to join in any Measures, which her Majesty shall think

think proper, to obtain a good Peace. But they look upon these Propositions as yet, in the same manner as the Secretary does, to be very dark and general, and design'd to create Jealousies between her Majesty, that Republick, and the Allies; but they depend upon her Majesty's Justice and Prudence, to prevent any such ill Effect, and hope she will make the French explain, more particularly, the several Points contain'd in them.

After these mutual Assurances betwixt England and Holland, the Committee is surpriz'd to find not the least Communication to the States of the Negotiations that were carrying on for above five Months together, betwixt England and France, till after the special Preliminaries were sign'd, and the seven general Preliminaries were concluded and sent to them.

In the mean time Lord Raby, not being as yet let into the Secret, freely declares, He thought it adviseable and necessary, to go open with the States in this matter of the Propositions; acquaints the Secretary, that all the Letters from France agreed, that all the hopes the French had, was to sow Jealousies among the Allies: And repeats his Advice, That we must act cautiously with them (the States) that they may have no reason to accuse us, for taking the least Measures without them.

But it was not long before Mr. Secretary St. John prepared his Excellency to have other Sentiments of the manner of carrying on this Negotiation, and in his Letter of the 29th of May, acquaints him with the agreeable News, That it was her Majesty's Pleasure, that his Excellency should make all possible haste to come over, since her Service may better dispense with his Absence at this Point of time, than it will perhaps do at another, and since we must now expect to have very soon upon the Tapis, many Intrigues, concerning which the Queen thinks it expedient that he should confer with the Ministers here; acquaints him, that her Majesty design'd, upon his arrival, to give him the Promotion in the Peerage, which he had desired. And then, that his Excellency might begin to have some Notions agreeable to the Sense of our Ministers, Mr. St. John, in answer to some very long Letters of his Lordship's, full of his own Reasonings, and the repeated Assurances of the Ministers of the States to act in perfect Concert, and with an entire Confidence in her Majesty, tells him in these Words, That Britain had gone so much too far in weaving her Interest

into that of the Continent, that it would prove no easie Task to disentangle our Affairs without Tearing or Rending.

But this work of Tearing and Rending did not at all discourage his Excellency, who waiting then for several Posts from England, stop'd by contrary Winds, and beginning to suspect that the course of the Negotiation was turn'd into another Channel, that the Ministry here might be satisfy'd that his Lordship could without much difficulty depart from his own Opinion, he declares in his Letter of June the 16th, 1711, N. S. to Mr. St. John ; You may be assured, I will venture any thing and undertake any thing to serve the Queen, you may venture boldly to trust me with the real Intentions, and be assur'd, I will not make further use of them than according to my Instructions. He tells him, if the thing is actually gone no further than it appears, and France has not yet explain'd, and he has a mind, that he should come over for the Queen's Service, he is ready to come in a Yacht, Frigat, hackett-Boat, or any way ; and concludes in short, Dispose of me how you please, for all my desire is to serve her Majesty to her Satisfaction, and I shall never grudge any Danger and Pains ? This voluntary and frank Declaration his Excellency desired in a particular manner, might with his humble Compliments, be communicated to the Duke of Shrewsbury and Mr. Harley.

The Committee observe, That if the Dutch had made any Attempt to wrest the Negotiation out of the Hands of the Queen, if they had enter'd into any separate Measures, or taken any Steps that might give just occasion of Offence or Suspicion to England, 'tis very probable the Accounts of any such Proceedings would have been left by the Ministry for their own Justification ; but the Committee do not find the least intimation of this kind, and are at a loss to know upon what Pretence such solemn Assurances were dispense'd with as soon as made, and the Honour and Name of the Queen sacrificed to the private views of her Ministers.

All Transactions betwixt England and France during this time, except two or three Papers, are entirely suppress'd, which in Lord Strafford's Instructions of October the 1st, 1711, are said to have been carry'd on by Papers sent backward and forward, and much time spent therein ; the first Paper that is found, is call'd, *Private Propositions sent by Mr. Prior from England, dated July 1.* The next is a

Paper call'd, Mr. Prior's Authority ; this is sign'd, Anne R. at the top, and A. R. at the bottom, not countersign'd, and is without a Date, and the Contents are, *Mr. Prior is fully Instructed and Authorized to communicate to France our Preliminary Demands, and to bring us back the Answer.* Which two Papers, must be understood to be Mr. Prior's Powers and Instructions ; but by an Entry in Lord Strafford's Book subjoin'd to these private Propositions carry'd over by Mr. Prior, it appears that Mr. Prior had Orders to see if France had full Powers from Spain.

These Propositions which were form'd here, leave no room to doubt of the little Concern the Ministry had to make good the repeated Assurances that had been given to the Allies, in the Queen's Name, to make the French more plain and particular, since in all things that concern the Allies the English Proposals are as dark and general, as those that came from France ; and if this still could be any Question, it is sufficiently clear'd up in a third Paper, entituled, *Draught of Answers upon the Conference with Monsieur Mesnager,* wherein the British Ministry is much surpriz'd to find That Monsieur Mesnager had Orders to insist that the Queen should enter into particular Engagements upon divers Articles which depend not upon her, and which regard the Interest of the Allies ; they appeal to all the Papers which had been sent backward and forward during this Negotiation, and to that which was carry'd by Mr. Prior, that the Principle upon which they had treated all along was, That France should consent to adjust the Interests of Great Britain in the first Place. This is a Principle from which the Queen can never depart, and that it was absolutely necessary to remit the Discussion of the particular Interest of the Allies to general Conferences. By which it appears, that the Minister of France was instructed to treat of the Interests of the Allies, which the English Ministry would by no means consent to.

By Monsieur Torcy's Proposals, France offer'd to treat with England and Holland, either by themselves, or jointly with the rest of the Allies, not conceiving that Holland could possibly be excluded from the Negotiation ; but it is determin'd by the English Ministry to carry on a separate Negotiation with France, exclusive of all the Allies, and in their private Propositions an express Article is inserted, *That the*

Secret

Secret should be inviolably kept, 'till allow'd to be divulg'd by the Consent of both Parties; and thereby England put the Negotiation into a Method more advantageous for France, than France had proposed or could hope for.

The Committee insert here the first Part of the Eighth Article of the Grand Alliance, wherein it is stipulated, *Ne tri partium fas sit, Bello semel suscepto, de Pace cum Hoste tractare, nisi conjunctim, & communicatis Consilliis cum alterâ Parte.* What will be thought of so manifest a Violation as this whole Proceeding appears to be, of the Grand Alliance, the Committee will not take upon them to determine; but this Step being once taken, and Secret Preliminaries sign'd upon this Foot between *England* and *France*, before any thing had been finally treated and concluded for the Security of *Great Britain*, what fatal Consequences did happen to her Majesty's Kingdoms, and what Advantages accrued to the common Enemy, seems to deserve the most mature Consideration. They likewise observe, that here, in the very Infancy of the Negotiation, the Trade of the World, and the entire *Spanish Monarchy* which had cost so many Millions, and the Effusion of so much Blood, without being once insisted upon, contrary to the repeated Addresses of several Parliaments, and the declar'd Sense of the Queen, are given up by the *English Ministry* to the House of *Bourbon*, for *Verbal Assurances* that the Crowns of *France* and *Spain* shall never be United.

There is no Account given of any Correspondence with Mr. Prior during this his Stay in *France*, nor does the certain time of his Continuance there appear. Upon his Arrival in *France*, Mons. de *Torcy* in his Letter of the 3d of *August*, 1711, N. S. tells Mr. St. John, he saw with great pleasure Mr. Prior return, after an interval of so many Years; that he could have wish'd, he had had greater Liberty to employ those Talents which he was persuad'd he would have made a good Use of, but he hopes Mons. Mesnager will supply what he could not do. Upon his Return he was attended by Mons. Mesnager, a Minister of *France*, vested with full Powers in due Form, and dated *August* 3, 1711, to Treat, Negotiate, Conclude, and Sign with such Ministers, as should be authoriz'd in due form, not by *Britain* only, but any of the Princes or States then in actual War with *France*. That Mons. Mesnager, upon his arrival here, frequently conferr'd with the Queen's Mini-

Ministers, appears by many Instances ; but the subject Matter of these Conferences, the Times, Places, and particular Persons with whom he Treated, or by what Authority, the Committee find no Account of, till the 20th of September, 1711. That by a Letter of Mr. Secretary St John, then at London, of that date to the Queen at Windsor, it appears that the Lord Treasurer, Lord Chamberlain, Lord Dartmouth, and Mr. St. John met Mons. Mesnager that Evening at Mr. Prior's House ; which Meeting, as Mr. St. John says, was by Order of the Lords of the Committee of Council, but seems unknown to the Queen until the Secretary acquainted her with it by this Letter. That at this Meeting Mons. Mesnager deliver'd to the British Ministers the Answer, sign'd by the King of France, to the Demands last sent over by England ; which Demands and Answers were made the Secret Preliminary Articles betwixt Great Britain and France, and were sign'd as such, September 27, 1711, by Mons. Mesnager on the Part of France, and the Acceptation of them by Lord Dartmouth and Mr. St. John, on the Part of Great Britain. That Mr. St. John, in this Letter, represents it to the Queen as the unanimous Opinion of her Servants, then present, that a Warrant and full Powers should be prepar'd that Night, and transmitted to her Majesty to be sign'd, in Order to pass the Great Seal the next Day, whereby the Earl of Oxford, the Duke of Buckinghamshire, the Bishop of Bristol, the Duke of Shrewsbury, Earl Poulett, Earl of Dartmouth, Henry St. John, and Matthew Prior, Esqrs; were to be Constituted Plenipotentiaries, to meet and treat with Monsieur Mesnager, which Warrant, and a Translation of the full Powers, were sent to the Queen. That this Warrant under the Signet appears sign'd by the Queen, directing the Lord Keeper to affix the Great Seal to an Instrument thereunto annex'd, containing her Commission to himself, and others, therein nam'd, to meet and treat with the Sieur Mesnager ; but it does not appear, that any such Instrument did pass the Great Seal, the Warrant remains not countersign'd, and endors'd Not used. That this Warrant is dated the 17th of September, although 'tis manifest by Mr. St. John's Letter, it was not prepar'd, nor thought of, till the 20th : Which antedating seems design'd to justifie the Ministers, in their meeting and conferring with the Queen's Enemies, previous to the War-

rant ; which never passing into a legal Authority, it appears that these secret Negotiations betwixt *France* and the Queen's Ministers here, were begun and carry'd on from the 11th of April to the 25th of September 1711, when the Warrant to Lord Dartmouth, and Mr. St. John was sign'd, without any Powers or written Authority from the Queen ; and it is very observable, that the Queen was brought into these Measures, by its being represented to her by the Secretary of State as the unanimous Opinion of all her Ministers, to which alone the Assent of the Queen is to be ascrib'd. But what is more strange, is, that after Mr. St. John had represented it to the Queen, as the unanimous Opinion of her Ministers, that full Powers must immediately pass the Great Seal to authorize them to meet and treat with the said Mons. Mesnager, these Powers should be laid aside : And the Acceptation of the Preliminaries sign'd by Ld. Dartmouth and Mr. St. John, by Virtue of a Warrant directed to them Two only, sign'd by the Queen at Top and Bottom, and countersign'd by no Body.

Where the Obstruction arose to the passing theses Powers, does not appear to the Committee ; but those Ministers seem Conscious to themselves of what was doing, who so readily concurr'd in privately meeting, conferring and treating with the Ministers of *France*, till this separate Negotiation was brought to Maturity ; but avoided to become Parties when the Treaty was to be sign'd and executed. That this great Care and Caution for their own Persons, and little Regard for the Honour and Interest of their Queen and Country, appears through this whole separate Negotiation : It being very remarkable that there is not one Paper of Powers or Instructions throughout the whole Affair countersign'd by any one Minister, but the Queen's Name expos'd to cover all ; which looks as if they flatter'd themselves, that this Omission of their Duty would be sufficient to skreen them from the Justice of the Nation, if these Matters should ever come to be enquir'd into.

The Committee observes, That after such a Sacrifice made of the general Interest of *Europe*, such a direct Violation of the Grand Alliance, and such unwarrantable and illegal Steps taken in transacting and concluding these Special Preliminaries between *England* and *France*, it had been but reasonable

reasonable to expect in them some very particular Advantages and Concessions made to Great Britain, to attone for such unprecedented Transactions ; but it is astonishing to find how insignificant all the Demands are, that were made on the Part of Great Britain ; and, inconsiderable as they were, how ineffectual they have since been rendred. That nothing possibly could be said less with Regard to the Succession, than what is here demanded in the first Article. The Queen not yet acknowledg'd by France, nor design'd to be so, 'till the Conclusion of the Peace, as France afterwards explain'd this Article at the General Congress; not a Word of removing the Pretender, nor any Engagement not to support him in any Attempt he might make upon the Nation. That the Second Article offers a Treaty of Commerce, in such doubtful Words, as France only could make Advantage of. That in the Article of Dunkirk, the Equivalent is express'd in so strong a Manner, and the Demolition so very loosely ; as could not but bring certain and great Prejudice to our Allies, with very little Prospect of Advantage to our selves; and fatal Experience has convinc'd us, what Security is procur'd for our Navigation by this Third Article. That the Fifth and Seventh Articles chiefly regard the *Affiento Contract*; what a National Advantage that is like to be, is now too well understood to want much Explanation : But with what Views the Ministers were so fond of this, as to make it their chief Care and Concern, will no longer be a doubt when it shall appear, that this Part of the Treaty was calculated only for private Advantage. That what the Ministry themselves thought most valuable in these Articles, was that Part of the Seventh which grants us an Advantage of 15 per Cent. upon our Manufactures sent to Spain : But this great Advantage soon vanish'd into nothing ; and was given up by our Ministry here. The Bishop of Bristol says indeed of it, in his Letter of the 17th of August 1712, *That it was granted by the French with a Design either to enflame things between us and the Dutch, or to give the French a pretence to stipulate for themselves such particular Advantages in the Spanish Trade as may be the Ruin of ours.* But what is most remarkable in the Seventh Article is the Introduction to it, in which the Ministry confess themselves to have been impos'd upon by France ; for they declare, ' That from the first Proposals

of Mons. de Torcy to that Time, they always understood that by the real Securities promis'd in those Proposals, were meant Places ; which now was absolutely refus'd ; and they consent to take for real Securities what they confess is none, but what a Love of Peace may induce them to accept as an Equivalént." That what was really of most Importance to *England* was the Eighth Article, which relates to *Hudson's Bay* and *Newfoundland* ; but the Ministry suffer'd themselves to be so grossly impos'd upon in this Article, that they directly give to *France* all they wanted, which was a Liberty of taking and drying their Fish ; whilst *France* gives nothing at all to us, but refers our most valuable Interests to the general Conferences : Which was but another manner of denying them, as the Event has sufficiently shewn. That we demand in the Sixth Article, that we shall have all the Privileges that have been or shall be granted by *Spain* to the Subjects of *France*, or any other Nation. Whereas the Ministers ought to have insisted that *France* should not upon any Pretence whatsoever be permitted to trade to the *Spanish West-Indies*, which they would not have omitted, if they had had the least regard to the Trade of *Great Britain*, or had not entirely forgot the Eighth Article of the Grand Alliance ; wherein it is expressly stipulated, as a Condition without which no Peace shall be made, *neque ipsis ibidem* (that is the *French* in the *Spanish West-Indies*) *Navigatio Mercaturæ exercenda causa sub quocunque praetextu, directe vel indirecte, permittatur.* One thing further is to be observ'd of these Articles, that such of them as any way relate to *Spain* are expressly granted in the Name and by Virtue of Powers given by King *Philip*, and yet after this, all Intentions of leaving any Part of the *Spanish Monarchy* to King *Philip* is publickly disavow'd ; That this short View of these Special Preliminaries sufficiently demonstrates that the Interest of *Britain* was not the Inducement to our Ministers to proceed in this extraordinary Manner. Yet trivial as these Advantages are, *France* is pres'd that they may be first adjusted ; to what use and purpose is fully explain'd in the *Draught of Answers upon the Conferences with Monsieur Mesnager*, That our Ministers may be enabled to engage the Queen to make the Conclusion of the general Peace easie to *France*.

It is declared, That to settle the Interest of *Great Britain* in the first Place is the Principle from which the Queen can never depart; which Plea was made use of, to defer the Interests of all the Allies to be discus'd at general Conferences; but the Turn given to it here was to amuse the People, by persuading them that the English Ministry was contending for great and particular Advantages and Concessions to be made to *Great Britain*, that might make us some Amends for that *great and unequal Burthen* which we had lain under through the whole course of the War. But the English Ministry having thought fit every where to extol and magnifie the vast Advantages that were granted to *Great Britain*, France resolved to make a proper use of it, and declar'd these Articles were an eventual or conditional Treaty only; and that the King of France would not be oblig'd to make them good, but in case of the signing of a general Peace; in this Seuse Monsieur Mesnager sign'd them, and with this Condition they were accepted on our Part. Hard Terms! That such Concessions as these were not to be purchas'd at a less Price than forcing upon our Allies such Conditions of Peace as France should be pleas'd to impose upon them; and this the Ministry were fully appriz'd of some time before they were accepted, for in pressing to settle and adjust singly and separately the Interests of *Great Britain*, they enforce it by saying, *France can run no Risk in such Engagements, since the Special Preliminaries will have no Effect till a general Peace shall be sign'd.* By these Means the Committee observe to how fatal a Dilemma the Queen was brought by her Ministry; she must either now go on, through all Adventures, in the Measures of France, or they had it in their Power, by divulging the Secret and exposing such a notorious Breach of National Faith, to make what Advantage they thought fit of it among the Allies, who must from this Time think themselves disengaged from the Queen, if they could find their own Account by looking after themselves.

And that the French were neither so ignorant, nor wanting to themselves as to miss such an Opportunity, appears above Three Months before these Articles were sign'd. When Lord Raby in his Letter of the 20th of June, 1711, N.S. to Mr. St. John, acquaints him, *That both the Pensionary and Monsieur Vander Dussen had seen a Letter from Mon-*

Monsieur de Torcy, giving and Account that they had begun a Negotiation in England. By which Management the English Ministry had, under Colour of the Queen's Authority, and the pretence of treating of a Peace, put it in the Power of France to divest the Queen of all her Allies, and given them greater Advantages than they could any other ways have hoped for.

On the same Day that the *Special Preliminaries* betwixt Great Britain and France, were sign'd, another set of General Preliminaries on the Part of France, was sign'd by Monsieur Mesnager only; which Mr. St. John, in his Letter to the Queen, says, were to be sent into Holland, as the Foundation of a General Peace, in which my Lord Treasurer had made some Alterations to make the whole more palatable abroad: And, on the same Day, a separate Article was sign'd in favour of the Duke of Savoy. From this Time a perfect Confidence was established between the Two Ministries of England and France; Lord Strafford's Instructions in order to his immediate Return into Holland were now preparing, and dated Oct. 1. O. S. 1711. And as an early Proof of the Confidence which Mr. St. John repos'd in the French Minister, he acquaints Monsieur de Torcy by his Letter of October 2d. O. S. that the Earl of Strafford was going for Holland; and says, Your Minister, (meaning Monsieur Mesnager, who was then going back to France and carried this Letter,) is fully inform'd in what the E. of Strafford is to propose to the States. Such Intelligence of the Queen's Counsels, which Mr. St. John confesses he had given to the Ministers of the Queen's Enemies, seems very extraordinary; especially if it be consider'd, that Lord Strafford was sent over to press the opening the General Conferences, with Assurances of the greatest Friendship and Concern for the Interests of the States, on the part of the Queen, and by her Authority to procure from France just Satisfaction for all her Allies; and in his Instructions is likewise directed to propose to the States a new Scheme for carrying on the War. Almost every Article in Lord Strafford's Instructions is a Specimen of the Siucerity with which our Ministers intended to treat the Allies. He is Instructed that it must be the most careful Endeavour and fix'd Principle of all the Confederates to hold fast together; and this immediately after a separate Treaty had been sign'd by Us; and if the

the Ministers of Holland should express any Uneasiness at their Apprehensions of any such private Agreement, he is order'd by evasive Answers to avoid giving them Satisfaction concerning it. But his chief Business was to deliver to the States the Propositions sign'd by Monsieur Mesnager, as the Foundation of a general Peace, and as the whole of what had been transacted; and to acquaint them that France had propos'd Utrecht, Nimeghen, Aix la Chapelle, or Liege, to be the Place for opening the Conferences; to press the States to fix upon One of these Places, and immediately to grant Passports to the French Plenipotentiaries to come thither and open the General Conferences.

These Propositions, so very general and uncertain, did extreamly alarm the States, as not being a sufficient Foundation upon which a Negotiation might be hazarded; which made them for some time decline granting the Passports; and in order to prevail with the Queen to have some regard to her faithful Allies, and particularly in the two great Articles of their Barrier, and Commerce, they sent over Mons. Buys to intercede with her Majesty to alter her Resolutions; they make the same Representations to the E. of Strafford, but all to no Purpose. For, as Mr. St. John declar'd in his Letter to my Ld. Strafford of October the 9th, certain it is that her Majesty has so far determin'd upon her Measures, that those will deceive themselves who may imagine by delay or other Artifices to break them. And again November the 2d, to Ld. Strafford, The Queen will not finally concert a Plan for the Prosecution of the War with the States, untill they join with her in agreeing to open the Conferences of Peace. And Ld. Strafford acquaints Mr. St. John, November the 15th, that he had now told them her Majesty's Order to him was to declare, That she shou'd look upon any delay as a Refusal to comply with her Propositions. In these Circumstances the Dutch, at last, comply to grant the Passports, and agree to open the general Conferences at the time fix'd by the Queen, January the first 1711-12.

The Resolution of the States General upon this Occasion must have mov'd any sett of Men, not already determin'd to hear no Reason but what came from France; for altho' the Representations made by the States, on both sides the Water, had made some Impressions, as is evident by a Memorial deliver'd by Mr. St. John to the Abbot Gaultier, October

tober the 29th, 1711, and by Mr. St. John's Letter to Mons. de Torcy of the same date, that accompany'd it; yet 'tis in the Memorial declar'd, that the Queen remains firm in her first Resolution of causing the Conferences to be opened upon the Articles sign'd by Mons. Mesnager. The same Memorial declares, it was absolutely necessary that the most Christian King should give to her Majesty the Queen, such Explications of his Intentions in respect to the particular Interests of the Allies, which he shall think proper to engage them to come more easily into the general Negotiation. So that hitherto 'tis plain, our Ministers were entirely Ignorant even of the King of France's Intentions with regard to the Allies. And again 'tis said, If her Majesty wishes the most Christian King would give an Explication to the aforesaid Demand's, &c. his most Christian Majesty may assure himself, the Queen will make no other use of the Trust the King shall repose in her, but to advance the Negotiation, in seeking the shortest means, and the most effectual, to obtain à Peace so much coveted. It is therein again acknowledg'd, that the Dutch have nothing in view but their Barrier and Commerce; and provided the Queen can, without fear of being disavow'd, specific somewhat near the Barrier that France will consent to yield to them, and to assure them of the Tariff of 1664, there's no room left to doubt that the States General would come without any further Hesitation into the Negotiation, in the same manner as it had been concerted. But lest all these Arguments should have no effect, Mr. St. John in his Letter to Mons. de Torcy, says, These Explications will dissipate all Clouds, and you may believe we will make use thereof with great Reserve, when I assure you, that if the King would offer a Plan of Specifick Preliminaries, the Queen will never communicate it to her Allies; he concludes, If the Sieur Gaultier returns with these marks of Confidence, you will see our Parliament as much inclinable to Peace as ever it was to War.

Here the Committee observe the English Ministry begging of France, after they had been seven Months treating with them, that they may have some Intimations at least of what was design'd for the Allies; expressing their fear of being disavow'd by France, after they had gone these lengths with them; declaring the Dutch would come into the Queen's Measures if they could but know any thing near the barrier that was design'd them, and have Security about their Commerce;

merce ; persisting still, without any such Satisfaction in the Measures prescrib'd by France, resolv'd to force the Allies into general Conferences, upon loose and uncertain Articles, and promising if they could but have so much Credit with France as to be trusted at all, they would use it with the greatest Reserve, and never communicate it to any of the Allies ; for whose Satisfaction only it is pretended all this Submission was made. The Return made by France is seen in a Paper call'd, *Answer to the Memorial brought by Mons. Gaultier, November the 18th, 1711.* This Memorial is accompany'd with a Letter from Mons. de Torcy to Mr. St. John, of the same Date, wherein he tells him his Majesty wholly depends upon the Secrecy and good use you will make of the entire Confidence he testifies to the Queen of Great Britain, and the King of France extols the firmness of the Queen, and sees with great Pleasure the new Marks of Resolution she shews. Hereupon the Committee observe, in general, that nothing had at this time been demanded of France concerning the Disposal of the Netherlands ; and that the King of France, not satisfy'd with having secur'd Spain and the West-Indies to his Grand-son, proposes to strip the Emperor of all his Dominions in Italy, and to impose upon him much worse Terms than he afterwards procured for himself, when left to carry on the War alone. The Dutch may have the Tariff of 1664, with some Exceptions, if they consent to this Scheme ; if not, they are to be reduced to the Tariff of 1699 But, as extravagant as this Scheme was, it is receiv'd by the English Ministers, without any Surprise or Resentment ; and Mr. St. John, in his Letter of the 25th of November, 1711, thanks Mons. de Torcy for the Communication of it ; promises to make a discreet Use of it, and that the utmost Efforts should be used by England to fix the Pretensions of the Allies ; he represents it as necessary, that all those who wish for Peace may mutually help one another, and endeavour to finish the Treaty so soon, as not to be expos'd to another Campaign. The Committee adds, that it is no Wonder, that this Plan was never communicated to the Allies, which must at once have broke off all the Conferences ; and determin'd them rather to run all Hazards, than treat upon so ruinous a Foundation ; but 'tis a Wonder that the English Ministry were not startled when they saw such a Scene open'd. And this shews with

what Justice the Ministry complain'd, that the Allies would not enter into the Queen's Measures, when they never were inform'd what the Queen's Measures were.

Pursuant to the Resolution of the States-General upon the pressing Instances of the Queen, Palsports for the French Plenipotentiaries are sent to Monsieur Buys, and delivered to Mr. St. John. Utrecht is agreed upon here to be the Place for the general Conferences. The Bishop of Bristol, then Lord Privy-Seal, and the Earl of Strafford, are appointed her Majesty's Plenipotentiaries. December 23d, 1711. Her Majesty's Instructions to her Plenipotentiaries are settled and sign'd, upon which the Committee make one Observation. viz. That the Plenipotentiaries are order'd, to insist that the Security and reasonable Satisfaction which the Allies expect, and which his most Christian Mijesty has promis'd, cannot be obtain'd, if Spain and the West Indies be allotted to any Branch of the House of Bourbon; so that hitherto the Queen thought fit to declare in all Publick Acts, that Spain and the West Indies ought by no means to be left in the Possession of the House of Bourbon; altho' in the Special Preliminaries, sign'd by the Earl of Dartmouth and Mr. St. John, on the 27th of September preceding, the King of France did expressly promise to make good the sixth Article for himself, and for the King of Spain, pursuant to the Powers which were then in his Majesty's Hands.

On the 15th of January 1711-12, the British Ministers arrive at Utrecht; who by their general Instructions being order'd to concert Measures with the Ministers of the Allies, and at the Beginning pursuing these Directions; Monsieur de Torcy, on the 31st of January, writes to Mr. St. John, and tells him, he perceives there was not so perfect a Confidence establish'd between the Plenipotentiaries of France and Great Britain, as was to be desir'd: He believes therefore he will think it proper to send to the Bishop of Bristol and the Earl of Strafford more precise Instructions, concerning the manner, in which they were to concert their Proceedings with the King's Plenipotentiaries. And in the Answer to the Memorial sent by Monsieur Gaultier, March the 28th, 1712; it is declared, the principal Order that the King had given to his Plenipotentiaries, when they set out for Utrecht, was to establish a strict Intimacy between them and the Ministers of the Q. of Gr. Britain.

On

On the 29th of January, at the First General Conference, Lord Strafford declared, that the Queen had receiv'd the General Propositions as a Foundation for a Negotiation of Peace : but that they were binding to France only, and not to the Allies ; to which the French Ministers readily assented. But this was meant of the Propositions sign'd by Monsieur Mesnager only, the Congress not having the least Notice or Cognizance of what was sign'd, both on the Part of France and England too ; which had been hitherto conceal'd, and upon all Occasions publickly disown'd.

On the 11th of February 1711-12, the French deliver'd a specifick Explanation of the General Preliminaries, sign'd by Monsieur Mesnager : Upon which it is observed, that the King of France here makes, as well as in the Special Preliminaries, his first Offers, in the Name and by Virtue of Powers from his Grandson as King of Spain ; how the British Plenipotentiaries could reconcile this to their Instructions, and how their Behaviour upon it is to be justify'd, is not very clear. This Explication was received by all the Allies with the greatest Indignation and deepest Concern ; which had such an Effect, that Lord Strafford in his Letter of the 16th of February, 1711-12, says, the French Ministers are mortify'd at the general Discontent these Offers gave ; and seem to wish they had put in Tournay for the Dutch, and St. Venant to be demolished, to have softned the matter at its first coming out. Nor were the British Plenipotentiaries without their Uneasinesses : They had done all they could, Lord Strafford says, to perswade the French to be as ample in the Explication as they could, being that is what will have a great Effect, and strike the Minds of unthinking People, and make some Work for Reflection for the Faction. The Plenipotentiaries complain, they are under great Difficulties on all Hands, for both Buys and Mesnager think they come short of what had been told them in England. But Mr. St. John soon sends them Words of Comfort, that Mr. Harley will set out in a few Days, who is fully instructed in all the Queen's Views and Desires ; That it were to be wish'd this Gentleman could have been sooner sent, but the Hurry which we have been for some time in is inexpressible ; and he was too useful to be spar'd, 'till the House of Commons was perfectly secur'd to the Queen's Interest, and to the Measures of Peace. I think I may say

they are absolutely so now. Hereupon the Committee take Notice of the Reflection cast here upon that House of Commons ; as if they were secur'd to the Queen's Interest, and the Measures of Peace, by the Management of a Secretary to the Treasury, a near Relation and a trusty Agent of the Lord High-Treasurer : They add, that 'tis plain for whose Use and Service Mr. Harley had been employ'd at home, and was sent abroad ; since Mr. St. John gave Monsieur de Torcy an immediate Account of his successful Endeavours here, and the Business he was sent abroad to manage. Adding, *the Queen hoped, his most Chr. Maj. would co-operate with Her.* Mr. Harley's Instructions do not appear, but it seems the Subject of them was not proper to be committed to Writing ; for which Reason, as in almost all Matters relating to the Pretender, it was referred to Monsieur Gaultier to explain them ; but what is meant by the necessary Dispositions made among our People here at home, is explain'd by Monsieur de Torcy, in a Memorial dated the 28th of March 1712, in Answer to what was brought by Monsieur Gaultier, wherein he commends the prudent Conduct of the Court of Britain, in managing the House of Commons, and in particular their wise Conduct in making known to the House of Commons, that the Nation was abus'd by its Allies ; and says, *the K. of France assures himself, that those who now manage with so much Capacity the Affairs of the Queen of Great Britain, know how to curb the Passion of the turbulent Party in the other House.*

The Allies at Utrecht met together on the 4th of March, N. S. to communicate their respective Demands, and agreed that a Clause should be inserted therein, for a just and reasonable Satisfaction for all the rest. Count Zinzendorff further insisted, that the Restitution of the whole Spanish Monarchy should be expressly mention'd. The Dutch declare they were resolv'd to make good all their Treaties, made on occasion of this War. But our Plenepotentiaries were the only Ministers that did not make any mention at all of Spain and the Indies ; They were sensible of the disadvantageous Consequences of their silence, they were desirous to take off this Odium, by seeming to say something, and in reality to say nothing ; which they did by a general Declaration concerning the just and reasonable Satisfaction for the Queen's Allies, in Conformity to her Al-

Alliances ; and humbly hop'd what was said would not be found contrary to what had hitherto been declar'd.

On Mar. 5, the specifick Demands of the Allies were delivered to the Fren. Plenipo's in Writing ; they promise to explain themselves further upon them at the next Conference, which was to be the 9th ; and then desir'd a further Time to the 30th. On the 30th the Fren. Plenipo's declare they were ready to proceed in the Negotiation, by debating with the several Allies ; but would give no Answer in Writing : Which was a great Surprise to all but the Brit. Ministers, whom the French had beforehand advis'd with. The Allies still resolv'd to press the French to answer in Writing, and sollicite the Brit. Ministers to join with them in it ; who, that no Mark of Disagreement might appear (as Their Lps express themselves in their Dispatch of Apr. 1, 1712) did finally consent to an Instance that was to be made the next Day to require an Answer in Writing.

But Ld. Str-d had before given Mr. St. J-n an Account of his Opinion, in his Letter of Mar. 25. wherein he says, *He believed the French had taken the wiseſt Party not to answer in Writing, tho' most of the Ministers of the Allies will be surpriz'd, expecting they should.* And says further, *I believe it is best they shall first begin in the open Congress to reason upon some of the Allies Demands, which will occasion so much Difficulty, that the Ministers of the Allies will propose debating separately ; which had better come from them than any one else.* The French Ministers still persist in their Refusal, upon which the States came to a Resolution at the Hague, not to treat unless an Answer was given in Writing.

However the French continue obstinate. Lord Strafford sends an Account that a Resolution was taken at the Hague to carry things to an Extremity. ; upon which Occasion Mr. St. John expresses himself in this manner, April 5, 1712, *That he hopes the Resolution taken at the Hague, was the last convulsive Pang of an expiring Faction.* And yet this Resolution was no more than to insist on a Demand, in which all the Allies were unanimous, and in which the British Plenipo's had concurr'd. But this Proceeding is accounted for in Ld. S-d's Letter of Apr. 27, 1712, wherein he says the Pensionary was extremely desirous the Fr. would answer in Writing, which (tis His Lp's Opinion) they will evade till they see what Suc-

cess Gaultier has had at London ; and in his Letter of the 30th, The Fr. will avoid giving their Answer in Writing, till they see all agreed betwixt their Court and ours.

And to shew that the Fr. were very well satisfy'd with the Method their Business was in, the Plenipo's in their Letter of Apr. 15, 1712, say, *They do not find the Fr. are much convinc'd of the Necessity of Dispatch, and when any thing is let fall of breaking off the Conferences, they seem to take it with a great Air of Indifference, well knowing their Business was not to be done at Utrecht, but by a Negotiation carry'd on directly betwixt London and Versailles.*

The Beginning of Apr. Mr. Harley and Mons. Gaultier arrive at Utrecht ; and a few Days after, the Fr. Plenipo's communicate to the British Ministers a Plan for a Gen. Peace ; but under the highest Obligation of Secrecy, to discover nothing to the rest of the Allies.

Our Plenipo's accept this Plan as a Mark of the great Confidence France had in them ; readily engage that the Allies should not know a Word of it ; and under the same Caution sent it to the Secretary : Tho' there is no Room to doubt, but this Plan that was transmitted to England as a great Discovery, was concert'd here, and sent by Mr. Harley to Utrecht, and by Abbot Gaultier to France.

To shew how candidly we dealt with the Q's good Friends and Allies, as Her Maj. was pleas'd to style them, the 15 per Cent. upon all the Goods and Manufactures of G. Br. which was offer'd at first as one of the chief Bribes to England to come into this destructive Peace, Mons. Mesnager had now explain'd away, and confin'd to such Goods as were carry'd not to Spain, but to the Span. W. Ind. only ; and our Ministers finding that Fran. would not make this effectual, Mr. Harley is order'd to let it drop. But see the Use that is to be made of this Insincerity of the French ; at the same time that Mr. St. John acquaints our Plenipo's with Her Majesty's Consent to give this up, he tells them, *But you will take care to do this in such a Manner, as not only to get something for it another Way, but also to render this Concession of the Queen a Means of bringing the Dutch to Reason, and to a Compliance with Her Majesty's Measures.* Ld. Pri. Seal Ap. 29, 1712, acquaints Mr. Secret. Our Negotiation is at a stand, till the Fr. Ministers are ready to return one Answer or other. And May

May 10, 1712, the Plenipo's say, *The French tell us they can't think of giving in their Answer to the Allies, till they hear from England the Success of Mons. Gaultier; and you may believe we wait for it with no less Impatience than they do.* Mr. St. John, May 3, 1712, acquaints Their Excell. I hope in a few Days my Dispatches will become more material, and that we shall be able either to satisfy our Friends at Utrecht, or not have reason to be much concern'd at their Uneasiness. This ends in Ld. Str-d's being sent for into Eng-d, and the following Orders are sent to Ld. Pri. Seal for his further Conduct; You are to stop all Instances for procuring the Tariff of 1664 to the Dutch; you are to decline absolutely to confer any further with them upon any Matter, till you receive the Q's Plan from hence; and Her Maj. finds so ill a Return made by the States to her Condescension towards them, that she orders Your Lp. to take the First Solemn Opportunity of declaring to the Dutch Ministers, that all her Offers for adjusting our Differences were founded upon this express Condition, That they came immediately into the Queen's Measures, and acted openly and sincerely with her; and that she looks upon her self, from their Conduct, now to be under no Obligation whatsoever to them. The Summary then of this whole Proceeding at Utrecht, in one short View, appears to be this; A Congress for General Conferences was necessary to be open'd, that the Allies might in Appearance, agreeable to the Grand Alliance, have the Opportunity of treating and adjusting their several Pretensions. Our Ministers were by their Instructions to act in Concert with the Allies, but they really acted in Concert with the French Plenipotentiaries. The Allies giving in their specifick Demands was not to be avoided; but the French were to gain as much Time as they possibly could, by unnecessary Delays; and at last insisted upon such a Method of answering these Demands, as they knew the Allies could not comply with. In the mean Time the Negotiations were carrying on directly between Eng-d and France, or rather all the Conditions dictated and prescrib'd by Fr-ce, whilst the All-s were amus'd with a Dispute about the Method of answering, from which Fran. wou'd not, and they could not possibly depart; in which Eng-d agreed with the rest of the All-s. All Particulars that concern'd even the Interest of the All-s, were transacted betwixt the Ministers of Eng d and Fran. under the highest Obligations of Secrecy. The Dutch are press'd to come into the Q's Measures, without being acquainted

quainted what the Q's Measures were: And because they wou'd not consent to they knew not what ; as soon as 'twas resolv'd to send Orders to the D. of O. not to engage in either Siege or Battel, and the great Projects were ready to be executed on the other Side of the Water ; the Q. declares *she looks upon her self now from their Conduit, to be under no Obligation whatsoever to the Stat. Gen.* And thus the Alliance betwixt Gr. Br. and her principal Ally, is declared to be dissolv'd and cancell'd, before any thing was finally agreed and concluded betwixt us and Fran. or we had the least Security for our own Trade and Commerce, or any other Advantages that were to accrue to Great Britain.

During these Negotiations at Utrecht, the two great Points of the Renunciation of the Spn. Monarchy, and of the Cessation of Arms, had been upon the Anvil. The First Mention of the Renunciation is in a Memorial dated March 28, 1712, intituled *The Answer to the Memorial brought by Mons. Gaultier the 23d of Mar. 1711-12.* Which is suppress'd : But from the Answer that was given to it, it appears, that as the general Proposal that the Crowns of France and Spain should never be united, arose first from England, and was made an Article in the *private Propositions* sent over by Mr. Prior ; so from that Time to this, the Method of preventing that Union does not appear to have been once mention'd. The Sense of France and Spain upon that important Article was not known, nor so much as ask'd ; altho' in every Step France had given plain Indications, that the Crown of Spain was to remain to K. Phil. and the Committee is surpriz'd to find the Ministry had gone such Lengths in promoting the Measures of France, without taking the least Precaution, or having any Satisfaction concerning the Monarchy of Spn ; wherein the Interest of Gr. Br. was, by their own Confession, more immediately concern'd, than in all their other Articles of the Peace put together. But that it is plain that in this Memorandum sent from Eng-d, the Scheme for preventing this Union was first propos'd by Eng-d, and that the Expedient was a *Renunciation* : And as this a Matter of such Importance as deserves the greatest Attention, the Committee observe, that Montr. de Torcy declares in the Strongest Terms, *That the Renunciation desired would be null and invalid, by the fundamental Laws of Fran. by which the most Near Prince to the Crown is of Necessity*

Necessity the Heir thereto ; 'tis an Inheritance that he receives neither from the K. his Predecessor, nor from the People, but from the Benefit of the Law. He succeeds not as Heir, but as the Master of the Kingdom, the Seignory whereof belongs unto him, not by Choice, but by Right of Birth only. That this Law is look'd upon, as the Work of Him Who hath established all Monarchies, and they are persuaded in Fran. that God only can abolish it. No Renunciation therefore can destroy it ; and if the K. of Sp. should renounce for the Sake of Peace, and in Obedience to the K. his Grandfather, they would deceive themselves that receiv'd it as a sufficient Expedient to prevent the Mischief we propose to avoid. Then he gives an Account of the Disposition made of the Succession to the Crown of Spain by K. Phil. and register'd in the Councils of Spain ; which he proposes may be confirm'd by the present Treaty of Peace, and ratify'd by the Cortes or States of the Kingdom of Spain. Mr. St. John in his Answer, Mar. 23, 1711-12, O. S. rejects this Proposal, and not at all convinc'd by what Monsr. de Torcy had so strongly urg'd concerning the Nullity of the Renunciation, insists still upon it. We are ready, says he, to believe you are persuaded in Fran. that God alone can abolish that Law, upon which your Right of Succession is founded ; but you will give us leave to be persuaded in Gr. Br. that a Prince may depart from his Right by a voluntary Cession ; and that he in Favour of whom that Renunciation is made, may be justly supported in his Pretensions, by the Powers that become Guarantees of the Treaty. In short, Sir, the Q. commands me to tell you that this Article is of so great Consequence, as well for her self as for the rest of Europe ; for this present Age as for Posterity ; that she will never agree to continue the Negotiations of Peace, unless the Expedient she has propos'd be accepted, or some other equally solid.

Mons. de Torcy in answer to this Letter, Apr. 8, N. S. begins to think it cannot be impossible to find an Expedient to settle this great Affair ; and he proposes that when the K. of Spain shall become either Immediate Successor, or Presumptive Heir to the Crown of Fran. he shall then declare the Choice he intends to make ; either to maintain his Right to the Cr. of Fran. or keep that of Spain ; that K. Phil. shall become Party to the Treaty, wherein the Succession to the Two Crowns shall be likewise settled, and that all the Powers of Europe shall enter into an Engagement with France to maintain it. Mr. St. John, Apr. 6. O. S. reasons against this last Proposal, and the several Projects contain'd in Mon. de Torcy's last Letter ; insists that no Expedient can effectually secure Europe from the Dangers wherewith it is threaten'd by the Union of the Two Monarchies, unless the Prince, who is at present in Possession of Spain, makes his Choice at this very Instant ; and upon a Supposition that the Cr. of Spain would be his Choice, that this Declaration should be made during the Congress at Utrecht. Ap. 26, N. S. Mons. de Torcy agrees that the Cath. K. must calm the Un-

easiness of Europe, in declaring from the present Time what Part he will take, if ever the Succession of Fran. is open in his Favour. That the Inconveniences arising from hence, must submit to the Publick Good. That the K. dispatches a Courier to Sp-n, and writes to the K. his Grandson, to let him know the Necessity of resolving on the Choice he shall make ; and to declare it, to the End it may be inserted in the Treaty of the General Peace, and be made a Condition of it, whereof all Europe shall be Guarantee. And promises to use all possible Means, even Force, if it were necessary, to make the K. of Spain agree to it. He hopes this Proposition will remove all Difficulties ; and as they must expect new Obstructions from those who would willingly break the Conferences, he believes the best Way would be, for the Q. of Gr. Br. to propose immediately a Suspension of Arms.

Apr. 29. O. S. Mr. St. John answers this Letter, and treats this Proposal as liable to all the Objections of the former. This, says he, would be to lose the Fruit of all the Blood which the Allies had spilt in the Course of this War ; this would be to betray the Common Cause of Europe, and to expose both the present Age and Posterity to Greater Dangers than 'tis possible to imagine. In short, he insists that they must take care that the Time shall never be, when the same Prince shall have the Cr. of Spain upon his Head, and the Succession to the Crown of Fran. open to him. He at last proposes, If the K. of Spain prefers the Expectation of the Cr. of Fran. to the present Possession of Spain ; in such Case he shall withdraw forthwith his Family out of Spain, the Possession of which, and the Indies, should be given to the D. of Sav. that K. Phil. should have the Kdom of Sicily, and the hereditary Dominions of the D. of Sav. together with the Montferrat and Mantua ; all which Dominions he should remain posses'd of, tho' he became K. of France ; excepting Sicily, which in that Case should return to the H. of Austria.

May 18. N. S. Mons. de Torey still yielding and complying with the Measures of Engd, shews the great Hardship the K. of Spain must undergo, in sacrificing his own and the Interest of his Family ; however the K. of Fran. would send to him to know his Mind upon the Two Alternatives : And in the mean time promises that the Treaty of Peace shall be made, upon the Foundation of one of these two Propositions ; either that the K. of Spn. shall renounce his Right to the Cr. of Fran. and keep Spn. and the Ind. or if he prefers his Expectation upon Fran. he shall quit Spn. and the Ind. to the D. of Sav. in Exchange for the present Dominions of the D. of Sav. &c. as propos'd by Mr. St. John.

And here the Committee observe, that this Correspondence between the Two Secretaries for preventing the Union of the Two Kingdoms, carry'd on from about the middle of Mar. to the 18th of May 1712, ended at last, just as it began ; and K. Philip chose

chose to make the Renunciation. The French Minister giving us such early Notice, and telling us so very plainly, that what we ask'd was utterly insufficient, and would be for ever deem'd by the unalterable Laws of France null and void, is very remarkable. His Dexterity in managing that Part of the Negotiation, in seeming always to comply, and desirous to come as near as possible to the Proposals made from hence, and submitting at last, since we would have it so,- to the Renunciation so peremptorily insisted on, is no less observable. But it is unaccountable how the English Ministry, when they were expressly told those would deceive themselves, who should accept o: a Renunciation as a sufficient Expedient to prevent the Re-union of the Two Monarchies; when they laid it down themselves as a Principle never to be departed from, that the Union of the Two Monarchies would be the greatest Mischief that could possibly happen to all Europe, and to Gr. Britain in particular; should still persevere in relying upon this Expedient of a Renunciation. And it cannot be forgot, that no Care was taken to render effectual the two only Expedients, that were ever propos'd for adding any Degree of real Security to the Renunciation: Which were, to have it solemnly accepted by the States of France, and to have it confirm'd by a General Guaranty of all the Powers of Europe engag'd in the present War. The first was ask'd indeed; but upon the Refusal of France was entirely given up by our Ministry; The second, by our Method of Negotiating, and our Treatment of the Allies, was from that very Time rendred Impracticable; as the French could not but foresee. It must be remembred, that a few Days after this Answer of Mons. de Torcy was receiv'd, Mr. St. John sent Orders to the British Plenipotentiaries to declare to the States General, The Queen was now under no further Obligations whatsoever to them, who with the rest of the Allies were to be Gaurantees of this Treaty.

The Committee mention here a Passage in a Letter from the Lds. Plenipotentiaries to Mr. St. John, February the 26th 1711-12. N. S. who acquaint him, that in some Discourse with the Ml. D' Uxelles upon occasion of the Death of the Dauphin, they desir'd to know of him, what those Measures are which France offer'd to take in Order to prevent the Union of the Two Kingdoms; and whether they were to consist in *real* or *verbal* Securities; the French Minister pretended to know no other but of the latter Sort. And then they suggest to Mr. St. John, that an Obligation upon K. Philip to renounce the Regency as well as the Crown of France, for himself and his Posterity, would amount to some Degree of *real Security*. But no Endeavours were used to obtain this, nor any mention made of it, as far as appears.

Mr. St. John, as Secretary of State, transacted this Affair with Mons. de Torcy; but as it can't easily be suppos'd, that he did this without the Advice and Approbation of the Ld. Treasurer, as first Minister; so it appears, that at the same time a Correspondence was held betwixt the Ld. Treasurer and Mons. de Torcy.

Mons. de Torcy's Letter of the 18th of May, N. S. was receiv'd by Mr. St. John the 9th of May, O. S. and the Promise of the K. of France, to oblige his Grandson to accept the Alternative of the two Kingdoms had so good and sudden an Effect, that the Day following, without waiting the Return of the Courier from Madrid, to know whether K. Philip did consent or not to the Proposal; Orders are sent to the D. of Ormond by Mr. St. John to avoid engaging in any Siege, or hazarding a Battle till further Order. And he is directed to disguise the Receipt of this Order. Her Majesty thinks he cannot want Pretences for conducting himself so as to answer her Ends, without owning that, which at present might have an ill Effect, if it were publickly known. On the same Day that these Orders are sent to the Queen's General with Directions to disguise them, which was to conceal them from the Confederates, they are communicated to the Queen's Enemies. Abbot Gaultier will give you an Account, says Mr. St. John to Mons. de Torcy, of the Orders I have just now dispatch'd to the D. of Ormonde." What Mr. St. John himself thought of the Importance of this Order is to be learn'd from his Letter to Mr. Prior, September the 19th 1712. The moment I read the Queen a Letter from Mons. de Torcy, by which it appear'd that the K. of France would oblige his Grandson to accept of the Alternative of quitting one of the two Monarchies, her Orders were dispatch'd to the Duke to engage in neither Siege or Battel: And she prevented the French from even making the Demand. I will not say that this Order sav'd their Army from being beat, but I think, in my Conscience, that it did.

On the 24th of May 1712, Mr. St. John writes again to Mons. de Torcy, altho' they had yet receiv'd no answer from Madrid concerning the Renunciation, but being press'd in time, and finding it necessary for the Queen to make the Communication to Parliament, that she had promis'd, of the Terms on which a Peace might be made; he acquaints him with the Steps the Queen was resolv'd to take: Provided the most Chr. King would render them practicable for her. And in a Memorial of the same date, specifies the Conditions upon which her Maj. consents to make such important Steps, and decisive Declarations to her Parliament, as these which follow. 1. That she had settled with France the Interests of Gr. Britain. 2. That she looks upon the Interests of the other Powers engag'd with her in the War, as easie to be adjusted; since the King offers to the greatest Part of them, very near what they have demanded, and to all a just and reasonable Satisfaction.

faction. 3. That she will set about accomodating the Affairs of her Allies ; and that to prevent all the Obstrutions which the Events of the Campaign might occasion to the Negotiations of Peace, she had agreed with the King to a Suspension of Arms. The Conditions specify'd in the Memorial, are Demands relating to North America, to Commerce and the Suspension of Arms.

In the Article concerning Commerce, it is said, That several Points relating to Trade requiring a longer Discussion than the present Crisis would admit, and the Queen being much more intent upon securing the General Peace, than any particular Advantages ; demands only, First, That Commis-saries should be nam'd on both Sides to meet at London, there to examine and settle the Duties and Impositions to be paid respectively in each Kingdom. 2dly, That no Privileges or Advantages relating to Commerce with France, shall Time be yielded to any foreign Nation, which shall not at the same be granted to the Subjects of her Britannick Majesty ; as likewise, no Privilege or Advantage in relation to the Trade of Great Britain shall be yielded to any foreign Nation, which shall not at the same time be granted to the Subjects of France. As to the Suspension of Arms, Her Majesty will consent it shall be made for two Months : Provided 1st, That within the said Term the K. of Spain shall either make the Renunciation demanded, or shall yield Spain to the D. of Savoy, upon the Conditions mention'd in Mr. St. John's Letter of the 29th of April, O.S. 2dly, That the French Garrison shall evacuate Dunkirk, and the Queen's Troops be admitted, the same Day that the Suspension of Arms shall commence. 3dly, That in case the States General shall at the same time consent to the Suspension of Arms, it seems reasonable they should have the Liberty of putting a Garrison into Cambray.

Upon these Conditions the Committee observe, That altho' it was daily instill'd into the Minds of the People, that the great Advantages in Trade and Commerce secur'd to Great Britain, were the chief Inducements to the Ministry to engage in these Measures with France, it is here declar'd they were more intent upon the General Peace, than any particular Advantages. And whereas it was laid down as a Principle from which the Queen would never depart, that the Interests of Great Britain should in the first Place be adjusted ; and the great Advantages stipulated for these Nations, before the Conclusion of the Peace, were

were to justify the Peace, and all the Steps that were taken to procure it; it is now Evident that no mention was made of our Trade in Spain; and for our Commerce in General, the settling of that was postpon'd, and all Points in Dispute betwixt Great Britain and France, were to be referred to Commissaries; which Proposition was not demanded, by France but voluntarily offer'd by Mr. St. John.

On the 8th of June, 1712. N.S. Mons. de Torcy sends an Account, That the K. of Spain, had chosen to keep Spain and the Indies, and to renounce for himself and his Descendants, the Right to the Crown of France: Which principal Obstacle to the Peace being remov'd, the K. of France expects that the Queen will now clear the rest of the Difficulties, which may obstruct this great Work; by making such Declarations as had been promis'd upon the Return of the Courier from Madrid. Adding, the King thinks the first and most urgent is, to settle a Suspension of Arms, either General, or at least between the two Armies in the Low Countries, which may continue till the Conclusion of the Peace. On the 10th of June, N.S. Mons. de Torcy acknowledges the Receipt of Mr. St. John's Letter of the 24th of May, O.S. together with the Memorial; and sends another Memorial in answer to the last Demands of the Queen. He takes Notice, That the Letters from the Army mention the Design to invest Quesnoy, in order to besiege it; but the King cannot think that the Queen approves of such an Undertaking, much less that her Troops shall be employ'd to render it Successful: He concludes, that if a Suspension is not immediately made, we may find our selves indispensably drawn into some great Event, which he hopes the Secretary's Prudence and Care will prevent. And altho' in the Answer to the Queen's Demands, nothing material that was ask'd for our Trade in North America is granted, the Evacuating of Dunkirk, and admitting an English Garrison is not agreed to, and the receiving a Dutch Garrison into Cambray is absolutely refus'd, which were propos'd as Conditions of the Suspension of Arms; Mons de Torcy hopes, That this return to the Queen's Demands will occasion no new Trouble, but as the Beginning and whole Course of the Negotiation was carried on upon the Bona Fide, and a mutual Confidence of which they had seen the good Effects; it is necessary to banish all Distrust, and the Queen to repose an entire Confidence in his Maj. without.

out insisting on Demands which may serve only to create Jealousies. On the 6th of June, O.S. Mr. St. John owns the Receipt of Mons. de Torcy's Two Letters, and says, altho' the K. of France had not answer'd the Queen's Demands according to Expectation, yet she would not defer going that Day to Parliament, and making all the Declarations that were necessary to render the Nation unanimously inclin'd to the Peace; that she had not, indeed, mention'd to the Parliament the Suspension of Arms, but had commanded him to acquaint Mons. de Torcy with the Resolutions she had taken in Relation to it, and insisting upon the Renunciation as the Capital Point of the Negotiation; and for which, Her Majesty would rather depart from almost all the Points that had been agreed upon, than leave that to any Uncertainty: Upon this Foundation the Queen hopes, that the most Chr. King will not find any thing Offensive in the Demands, which she found her self oblig'd to renew, being Conditions for a Suspension of Arms between the Two Armies in the Netherlands; which if the King consents to, says Mr. St. John to Mons. de Torcy, You have only to sign and send to the D. of Ormond, who at the same time that he takes Possession of Dunkirk, will declare to the Allies, that he has Orders to act no further against France. He acquaints him that the Ld. Strafford was going back to Utrecht, that the Instructions he was to carry will, according to your Desire, put the Queen's Plenipotentiaries in a Condition to keep no longer those Measures to which they have been hitherto obliged to submit, but from henceforth they may openly join with those of France, and give Law to those who will not submit to just and reasonable Conditions.

The Committee insert here an Extract of a Notable Letter from the E. of Strafford to Mr. St. John, of the 30th of April, 1712. Thus you still see the Temper here, and the Time it will naturally take to get the Dutch (if they will at last settle a Plan) before it can be done. You see the Events we are exposed to by the Operations in the Field the mean time, and you have it by this time in your Power to terminate all, and even to stop the Operations of the Army for a Month, till the Negotiation is entled one way or other: There is no Pretence now it can be a Prejudice to us, should a Ceſſation be made; for the former Pretences are out of Doors,

Doors, of its being impossible for the French to make Magazines for their Army to take the Field as soon as ours, and having burnt these Magazines at first affirm'd impossible to be made, for us by that means to be Masters of besieging either Cambray or Arras, and our Army's marching to Paris is stopt at least for this Summer in all Appearance. The French are now better posted than we are; their Army is much stronger. We cannot march to surprize them in other Parts of their Lines till we have Green Forage, which wo'nt be up these Three Weeks at soonest. They have all their Troops up, and we want a great Part of ours, especially the Imperialists, who, 'tis said, cannot join the Army in a Month yet; so that now the Advantage of a Cessation of Arms is on our Side, if they will for the sake of a Peace consent to it. If, upon these and other Considerations, a Cessation is thought in England necessary, the Queen must not propose it, but at the same time be resolved to put it in Execution on her Side, if agreed to by the French; because such a Proposition will be sure to meet with Opposition, unless back'd with Resolution, and may have the Effect of making those who delight in War undertake with so much the greater Precipitation some desperate Attempt. Upon what groundless Allegations the E. of Strafford did here advise a Suspension of Arms, is submitted to the Consideration of the House.

The Articles for a Suspension were signed by Mr. St. John, June 6. O. S. and the Answer was sign'd by Mons. de Torcy, June 12, 1712, N. S. The next Day, June 7, O. S. Mr. St. John writes a private Letter to Mons. de Torcy, expressing the utmost Confidence in the good Faith of the most Chr. King; thinks it necessary to hasten the Peace; tells him, it will frighten the Dutch to be told the Queen will act no longer against France; and that if they do not hasten to make their Agreement, they will have a Burthen upon their Backs which they are not able to bear. On the same Day Mr. St. John sends to the D. of Ormond Copies of these two last Letters, and of the Memorial sent to the Marquis de Torcy. You will perceive by them, my Lord, (says he) that the Queen insists on the Execution of the Article relating to Spain, and on the Delivery of Dunkirk, as Points without which she will not declare for a Cessation of Arms in the Netherlands; but if these

these Conditions are accepted, and sent sign'd by the M^r. de Torcy to your Grace, and Dunkirk put into your Possession, you are publickly to own that you can act no longer against the French. If they are not consented to, you are entirely free from Restraint, and at Liberty to take all reasonable Measures that are in your Power for annoying the Enemy. It is probable the M^r. Villars, may receive the Orders which will be sent him from Versailles within a Day after this Letter will come to your Hands. Your Grace will therefore lose no Time in acquainting him, that you are in Expectation of hearing from his Court that which must determine your Proceedings; and that, according to the K^s Resolution, you are either to look upon your selves on both Sides as freed from any Restrictive Orders, and in full Liberty of Acting against each other, or that you are openly to declare for a Cessation.

And here the Committee think it necessary to go a little back, and observe what Orders and Instructions had been given to the D^r. of Ormond, and what Accounts he had sent of his Proceedings during the Time the Correspondence, relating to the Renunciation, was carrying on. On the 12th of April 1712, N. S. his Instructions are sign'd by the Queen, He is order'd to repair first to the Hague, and to see the Pensionary, before he puts himself at the Head of the Troops; to express to him the Queen's Resolution of pressing the War with all possible Vigour; to assure him he is prepar'd to live in a perfect good Correspondence with all the Generals, and particularly with those of the States; to inform himself what Plan has been agreed for the Operation of the Campaign: And as soon as he arrives at the Frontier, to meet with Pr. Eugene, and such of the Generals as shall be in the Secret, and with them to concert the proper Measures for entering upon Action. The Committee conceive these Instructions sign'd by Her Majesty must be the Rule of his Grace's Actions till countermanded or revok'd by equal Authority, there being no general Direction in them to follow such further Orders as he should receive from a Secretary of State. The 24th of April, N. S. the D^r. of Ormond gives the Secretary an Account, ' That, according to his Instructions, he ' had given the Pensionary all the Assurances of carrying ' on the War with Vigour, and acting in Confidence with ' the Allies, and more especially the Dutch; which were

receiv'd with the greatest Professions of Duty and Respect
 to her Majesty." On the 30th his Grace was in Conference with the Council of State, where, there were great Expressions of Duty to her Majesty. They told him there was no particular Resolution taken as to the Operation of the Campaign, but left it to their Generals, who with their Deputies are to act in Concert with the Generals of the Allies; and that they had given Orders to their Generals to live in a good Correspondence with his Grace. And yet on the 25th of April, O. S. which was before it was known France had agreed so much as to propose to the King of Spain the Alternative of the two Monarchies, which was not till the 18th of May, N. S. Mr. St. John begins to give the Duke of Ormond some distant Hint of the Scene that was afterwards to be open'd, and tells him, The Queen inclines to be of Opinion, that all the Troops, whether Subjects or Foreigners, belonging to her, should be immediately under his Grace's Command. There may have been formerly Reasons for using a different Method, but there seems at present to be some of a very strong Nature for taking this, and perhaps these may every Day grow still stronger. Insinuates there may be Reasons to be jealous of Prince Eugene; and on this Occasion his Grace is directed to be more cautious for some time of engaging in an Action, unless in the Case of a very apparent and considerable Advantage, upon Pretence of waiting till the German Troops were all arriv'd, that they may have there Share, if there is to be any Action. On the 10th of May N. S. the Duke of Ormond acknowledges the Receipt of two Letters from Mr. St. J-n of the 16th and 22d of April, neither of which appear. But his G. says in Answer to the Secretary, I am of your Opinion, that a Battle won or lost would at this time make very great Alterations in the Treaties now on foot: But you remember that, in my Instructions, I am order'd to act in Conjunction with the Allies in prosecuting the War with Vigour; so that, should there happen a fair Opportunity to attack the Enemy, I cannot refuse it, if propos'd by the Prince and States. But I hope to have the Messenger before the Armies are form'd, which will be in 3 or 4 Days. On the 12th of May N. S. the D. of Ormond expresses still the same Uneasiness, wishes to hear from England that

that the Peace is near concluded, but hopes, if it be delay'd, we shall have the good Fortune to force the French to comply with the Qn's Demands. But his Grace was now soon put out of his Pain by the Order mention'd before of May the 10th, O. S. not to engage in any Siege or hazard a Battle. On the 25th of May, N. S. The Duke of Ormond writes two Let-
to Mr. St. John, a private and a publick Letter. In the first, which was his private Letter, and all wrote in his own Hand, his Grace acknowledges the Receipt of his Orders, not to engage in Siege or Battle; to which he promises an exact Obedience, and to keep secret his having receiv'd any such Command, and will endeavour to hinder its being suspected. But Prince Eu-
gene and the States having propos'd to attack the Enemy, or, if that be found too hazardous, to besiege Quesnoy, his Grace fears it will be very difficult for him to disguise the true Reason of his opposing all Proposals that shall be made for undertaking any thing, having no Excuse for Delays, all the Troops they expected, and the heavy Cannon, being to be here on Saturday: And he says, if he could have found Forage there, he would have made some Pretence to delay the March, tho' the Dispositions of it were made before he received this Letter. But on the same Day his Grace writes another publick Letter to Mr. St. John, after he had receiv'd the Letter of the 10th, as is expressly said; wherein he takes no Notice of his Orders not to engage in Siege or Battle, but speaks of his having review'd the English Troops, and found them in so good a Condition, that must convince all the Allies how groundless the Complaints are that have been made of our Backwardness, of which he says, I believe you will now hear no more. He goes on. If we find an Opportunity to bring the Enemy to a Battle, we shall not decline it. On the 28th of May, the D. of Ormond, in his Letter to Mr. St. John, says, Yesterday Prince Eugene and the States Deputies desir'd that I would consent to send the Quarter-Masters to view the French Camp which I cou'd not refuse, without giving them some Suspicion of what I am order'd to disguise; but I was sure that nothing of Action could happen, the Enemy being behind the Schelde. The Detachment that went with them were Forty Squadrons, and all the Grenadiers of my Army to support them and make good their Retreat, should the Enemy have endeavour'd for to have attack'd them. They went as far (I mean the Horse) as Catelet, where the Right of the Enemy's

Army lies, and are come back without seeing any of the French on our Side the Schelde. The Distance between the Head of the Somme and that of the Schelde is not above a League and a Half, which is a Plain, and the Enemy have not yet offer'd to throw up any Retrenchment; Maybe to Morrow they will begin to work, since they have seen our Troops reconnoitring that Way. Prince Eugene and the Deputies being to dine with his Grace the next Day, he was under Apprehensions they would press him to undertake something immediately, which it would be very hard to conceal the true Reason of his refusing, having no reasonable Excuse for it." In this Letter his Grace gives an Account of a Letter that he had receiv'd from Mareschal Villars, and the Answer that his Grace wrote to the Mareschal. This Correspondence, which on both Sides is insisted upon to be kept as the most absolute Secret, is founded upon a Postscript in Mr. St. John's Letter of May the 10th to the D. of Ormond; wherein he tells his Grace, ' Communication is given of this Order to the Court of France; so that if Mareschal Villars takes any private way Notice of it to you, your Gr. will answer accordingly.' May the 25th. N. S. Mareschal Villars acquaints his Grace, ' That he had the King's Orders, and the Queen of England's Consent, to write to him as soon as he receiv'd the Courier; and whatever Glory is to be acquir'd against a General whose Valour is so well known among them, he desires him to be assur'd that he never receiv'd more agreeable News than that they were to be no longer Enemies.' The D. of Ormond in Answer acquaints him, That he had receiv'd Orders from the Q. upon the same Subject, to which he would not fail to conform himself in the most exact Manner. But his Grace proceeds further than the Direction given him by Mr. St. John, and says, ' The Motion which we are going to make is principally for the Subsistence of our Troops so that you need not be under any Apprehension at this March; at least I can answer for the Queen's Army which I have the Honour to Command. The Committee is at a Loss to account for this Transaction, unless his Grace had Orders not only not to act against France, but to give the French General Intelligence of all that was design'd in the Confederate Army.

The Report being made by the Quarter Masters-General, who went with the Detachment to view the French Camp, and the Overture between the Sources of the Somme and the Schelde, and they all agreeing that the Ground was as advantagious, as could be, to fall upon their Flank and Rear, it was propos'd to the D. of Ormond, to march without the least Delay to the Enemy, and to attack them. You may easily imagine, says his Grace in his Letter to Mr. St. John of May 29th, *the Difficulty that I was under to excuse the delaying a Matter, which, according to the Informations I had from the Quarter Masters-General, and several other General Officers that went out with the Detachment, seem'd to be so practicable; the best Excuse I could make was Lord Strafford's sudden Voyage to England, which gave me Reason to believe there must be something of Consequence transacting, which a Delay of Four or Six Days would bring to Light, and therefore I desired they would defer this Undertaking, or any other, untill I should receive fresh Letters from England.* The Committee cannot better represent the favourable Opportunity that was here lost to the common Cause, and the Advantage, or rather Deliverance, that was secured to the Common Enemy, than in a Letter from the Deputies of the States to the D. of Ormond, June the 4th, A. S. Which is inserted at length in the Appendix; But these Representations, and the pressing Instances made by Prince Eugene, were entertain'd by Mr. St. John as affected Alarms and Clamours raised with much Industry, yet such as gave Her Majesty no Uneasiness. But they made some Impressions on the D. of Ormond; he grew sensible of the ill Blood and Dissatisfaction caused among the Allies, who did not stick to say we were betraying them. He sends an Account, that Prince Eugene and the States Deputies had resolved to besiege Quesnoy, which Place was that Day, June 8. N. S. 1712. invested; and though he had nothing to do in the Operation, he could not refuse furnishing some Troops in the States Pay, but had avoided giving any in the Queen's whole Pay.

On the 7th of June, O. S. Mr. St. John sent to the D. of Ormond his Letters of the 6th and 7th to Mons. de Torey, and the last Articles proposed by Great Britain for a Suspension of Arms; and it is observed, that hitherto it was an entire Secret between the English and French Courts and their Two Generals, that neither Siege or Battle was to be engaged in by the D. of O. P. Eugene, and the whole Confederacy were as yet amused with hopes that the D. of Ormond might be permitted in some Degree to comply with his Instructions, and the solemn and repeated Assurances that had been given, to act in Conjunction with the rest of the Allies: But the Time was now come, when the Secretary's Care and Prudence was to deliver the French King from the Apprehensions under which Mons de Torey had so often declared him to be for the Events

of this Campaign : And altho' the *Suspension of Arms* was press'd and infisted upon by *France*, and was to be granted purely for the sake and Preservation of the *French Army*, which in all reason shou'd have brought them to a Compliance with the Demands sent from *England*; yet so very tractable did our Ministry prove, that *France's* refusing the Conditions at first proposed for granting a Suspension of Arms, had no other Effect but to make us lower the Terms upon which they were to accept what could be no Advantage to *England*, but was of the highest Importance to *France*.

When these last Conditions were sent to the D. of *Ormond*, with the Orders that attended them, it is to be observed, that Mr. St. John declared the Q. infisted on the Execution of the Article relating to *Spain*, and on the Delivery of *Dunkirk*, as Points without which she would not declare for a Cessation of Arms: So that if these Conditions were not absolutely consented to, if the Answer from *France*, which was to determine the D. of *Ormond's* Measures, was not sign'd by Mons. de *Torcy*, and *Dunkirk* was not put into the Possession of the D. of *Ormond*, his Grace was at entire Liberty to act against *France*; but upon these Conditions the D. of *Ormond* was ordered immediately to declare a Cessation of Arms. The Committee think this Order in itself of a very extraordinary Nature, altho' conditional; and the Ministry seem in very great Haste to give all up into the Hands of *France*, when the Queen's General, at the Head of a Confederate Army in the Field, at that Time covering a Siege, which the Allies were engaged in, should be ordered to govern himself according to such Significations as should come from the Court of *France*, and those transmitted him by the General commanding the Enemy's Army, whose Duty it was by *Force or Stratagem* to raise the Siege, or gain any Advantage he could over the Allies. On the 22d of June, N. S. an Answer to the Proposals last sent over was transmitted to Mr. St. John, signed by Mons. de *Torcy*, with Two Alterations, one no less material, than whereas it was demanded that the Renunciation should be ratified by the States of *France*, which had been mentioned before as one of the chief Securities to make it effectual, it is here substituted, that *it shall be register'd in the several Parliaments*: And to the Article of *Dunkirk* is added, That all the King's Officers, both Land and Sea Officers, shall have Liberty to stay at *Dunkirk*, and to execute their several Offices. On the same Day, Mons. de *Torcy* writes two Letters to Mr. St. John, the one a publick Letter, explaining at large the Alterations; the other a private Letter to prevail with him to consent to these Alterations. And it is observed, that there are several Instances of such a private Correspondence between the two Secretaries. At the same time, a Copy of the Memorial and the Answer was sent to the Mareschal *Villars*, who with his Letter of the 24th of June, N. S. sends the Copies to the

the D. of *Ormond*, and tells him the Originals were sent to *England*; and doubts not but the Suspension of Arms would immediately take Effect. But it appears by the D. of *Ormond's* Letter to *Mareschal Villars* of the 25th of *June*, That these were only Copies and not sign'd, for his Grace wishes that the *Marquis de Torcy* had sign'd them, as being more agreeable to his Grace's Instructions, but that he may not stop so good a Work by Difficulties and Scruples, he will not insist upon Formality : He promises to go immediately to *Prince Eugene*, and the States Deputies, to perswade them to abandon the Enterprize upon *Quesnoy*, and to declare, That in case of a Refusal, he shall be oblig'd to withdraw the Qn's Army; and as soon as the Troops which he should detach for that purpose had taken Possession of *Dunkirk*, the Suspension of Arms shall take place. On the 27th of *June*, the Duke acquaints Mr. *St. John* That he had been with *Pr. Eugene*, and the States Deputies, and had acquainted them, that the French King having agreed to several Articles demanded by the Q. as the Foundation of a Cessation of Arms, he could no longer cover the Siege of *Quesnoy*; but was oblig'd by his Instructions to march with the Qn's Troops, and those in Her Majesty's Pay, and to declare a Cessation of Arms as soon as the Town of *Dunkirk* was deliver'd up. Afer this Conference with *Pr. Eugene*, and the States Deputies, his Grace according to his Promise, sends a second Letter to *Mareschal Villars* of the same Date, and tells him, *He apprehends that the Generals of the Auxiliaries paid by the Queen, will not leave Prince Eugene's Army without particular Orders from their respective Masters.* An Account of this being sent to the Court of *France*, Monsieur *de Torcy* dispatches an Express *June* the 27th, *N. S.* and declares if the Foreign Troops in English Pay did not abandon *Pr. Eugene's* Army, the Condition upon which *Dunkirk* was to be deliver'd being not perform'd, it would be unreasonable for *England* to insist that *Dunkirk* should be given into their Hands ; and appeals to the Title of the Memorial, that imported a Cessation of Arms between the two Armies in the *Netherlands*: He insists, that positive Orders be sent to the D. of *Ormond* to withdraw all the Troops in English Pay ; and when these Orders shall have been punctually comply'd with, the King will perform his Promise of delivering *Dunkirk*. The D. of *Ormond* having

ving already declar'd absolutely to the Allies, that he could no longer cover the Siege of *Quesnoy*, remains in a State of Inaction, tho' 'tis plain by his Orders, he was now free from all Restraint, the Answer not being sign'd by Mons. de *Torcy*, as was expressly requir'd; some material Alterations being made in the Conditions relating to *Sp-n*, which His Grace had then no Notice that the *Q.* had consented to; and M^r. *Villars* refusing to give him the Possession of *Dunk-k*, which were declar'd Points without which the *Q.* would not consent to a Cessation of Arms. That the D. of *O.* was himself of this Opinion, is evident from his own Letter to Mr. *St. John*, of June 29; wherein he excuses his deferring separating the Troops, and marching towards *Dunk-k*, until he had sufficient Assurance that Place would be surrender'd to him; and then His Grace says, *The contrary appears now so evidently, that I should look upon my self immediately at Liberty to act in Conjunction with the Allies; but I do not take upon me to make a Step of such Consequence without the Q's particular Orders, which I shall expect with the greatest Impatience.*

These unexpected Resolutions of the Foreigners in the *Q's* Pay, not to abandon their Allies, and leave them at the Mercy of the *Fren.* Army, very much disconcerted our Measures here for a short Time; but on June 20, O. S. Mr. *St. J-n* writes to Mons. de *Torcy*, That the Accounts from the D. of *O.* were conformable to what he had sent, which gave the *Q.* a sensible Displeasure: But as Her Maj. had taken a firm and unalterable Resolution not to yield to any Difficulties, he doubts not to succeed, and believes Mons. de *Tor.* will be convinc'd of this Truth when he has read over this Letter: That he had just then told the Ministers of those Princes who have Troops in the *Q's* Pay, that unless they obey the D. of *O*'d's Orders, Her Maj. will take it as a Declaration against her, and from that Time they shall not be paid: That if the Fr. K. will deliver *Dunk-k*, the D. of *O.* shall retire with the Eng-sh Troops, and all those Foreigners that will obey him, and declare the *Q.* will act no longer against Fr-ce, nor pay those that will; and will make no Difficulty to conclude a Separate Peace with *Fran.* leaving the Allies a Time wherein they may have Liberty to submit to such Conditions as shall be agreed upon betwixt the *Q.* and the Most Chr. K. See, Sir, the Peace in the K's Hands; if the D. of *O*'s whole Army consents to the Suspension of Arms, our First Project

Project proceeds ; if they will not consent, the Eng-sh Troops will withdraw, and leave the Foreigners to seek for their Subsistence from the States, who, very far from being able to furnish New Expences, are not capable to support what they have already upon their Hands. In short, Brit-n retiring from the Theater of War, and leaving it to those that are in no condition to make head against Fran. the Peace may be concluded between the Two Crowns in a Few Weeks. These, Sir, are the Propositions which the Q. commands me to make, and believes the K. of Fran. will find his Account at least as much the last Way as the first. He once more desires him to send an Express to the D. of O, that he may know how to regulate his Conduct; and if he signifies to him that the K. has given Orders to the Gov. of Dunk k to admit the Eng-sh, His Grace will immediately do all that he has said. He acquaints him further, That the Q. was resolv'd to send the E. of Str-d immediately to the Army. On the same Day Mr. St. John sends a Copy of this Letter to the D. of O. and to shew his own Opinion of this extraordinary Piece in a Postscript, he says, *I need not caution Your Grace that the Inclos'd for Mr. de Tor. is fit to fall under the Eye of no Person whatsoever but Your Grace : As for his Instructions at this critical Conjuncture, they are such as Her Majesty thought deserv'd sending the E. of Str-d on purpose to the Army : And His Grace is order'd to give Ml. Villars an Accoⁿt of the Endeavours the Q. had us'd to subdue the Obstinacy of those who refus'd to obey, and of his Expectations to hear from him on an Express sent to Fran. And a second Time, according to what was said to Mr. de Tor. His Grace is order'd, if he receives an Account from the Court of Fran. that Her Majesty's Last Proposals are agreed to, and Orders dispatch'd for the Surrender of Dunk-k, without any more to do, to declare the Suspension between Gr. Br. and Fran. and to keep the whole Body that shall obey his Orders entire, and to withdraw in the best manner his Circumstances will allow. This Offer was no sooner receiv'd in Fran. but without the Loss of one Moment's Time accepted and consented to, as Mons. de Tor. acquaints Mr. St. John, July 5. N. S. He mentions very particularly all the Reasons and Engagements which had been so plainly and explicitely propos'd ; and upon Condition that the Q. does immediately make a Separate Peace, keep no Measures with her Allies, but only leave them a Time to submit to the Conditions that shall be agreed upon*

for them between Fran. and Eng-d; the K. of Fran. hath determin'd to send his Orders to permit the Eng-sh Troops to enter into Dunk-k; and at the same Time a Courier was dispatch'd to Ml. Villars to carry him these Orders. And as a general Cessation from all Hostilities both by Land and Sea, between the Two Nations, had been propos'd by Eng-d till their Treaties could be finish'd, the K. of Fr. with the same Readiness consents to that. Hereupon fresh Orders are sent to the D. of O. as soon as he shall hear that the Gov. had receiv'd Orders to evacuate Dunk-k, and to admit the Q's Troops into the Place; without losing a Moment, if he had not already done it, to declare a Suspension of Arms, and to withdraw all the Eng-sh Troops, and such others as would obey his Orders: And lest any Accident might still obstruct this Project, His Grace by Mr. St. John is told, He must observe that the Order is positive, and that no Case can possibly happen in which Her Maj. will allow that any other Measure should be taken; and Mr. St. Jn is much concern'd that the E. of Str-d will arrive at the Army later than was to be wish'd, from whom His Grace was to receive those Lights and Informations for his Guidance in this nice Conjunction, that he is amply instructed to give him.

July 12. N. S. I d. Str-d arrives in the Camp; the 14th P. Eug. sends the D. of O. Word by an *Aid de Camp*, that he intended to march the next Morning with a Design, as was suppos'd, to attack Landrecy. The Du. of Or. is much surpriz'd at the Message; refuses to march with him, or give him any Assistance from the Q's Troops; but lets the P. know, that when he march'd, His Grace should be oblig'd to take the best Care he could for the Security of the Qu's Troops, and to change his Camp in Order to it. The same Day Ml. Villars giving the D. of O. an Account, that he had sent by Col. Lloyd Orders for the Delivery of Dunkirk, says, 'Permit me, Sir, to have the Honour to tell you, tho' it be very advantageous not to be obliged to engage the Bravest and Boldest of our Enemies, yet 'tis very important to know those that remain so; and I take the Liberty to desire you will do me the Honour to send me Word what Troops and what Generals will obey your Orders; because the First Attempt the Enemy makes, I will not lose one Moment to meet them: The K. gives me a Liberty to fight, which nothing but the Negotiations has hitherto

‘ therto prevented, and which the Army under my Command has a great Desire to make use of. I think the Work is finisht if the Army which is under your Orders obeys them. This then, Sir, is no Indiscreet Curiosity, that I presume to desire you to give me some Lights upon the Doubts which I am in. I shall be very much oblig'd to you Sir, if by the Return of this Trumpet you'll honour me with one Word of Answer, upon the Lights which I have desired of you. You'll give me Leave to join to this Pacquet a Letter for My Ld. Str d. July 15, the D. of O. in Answer to this Letter says, ‘ I should be glad I were at present in a Capacity to give you all the Insight you desire, but it is yet impossible for me. Notwithstanding I was unwilling to delay sending back the Trumpet, to let you know I am well assured I shall be capable of telling you to morrow particularly, what Troops will remain under my Command. As to the Suspension of Arms you already know, Sir, that according to my Orders I cannot declare it in Form, till I am assur'd the Gov. of Dunk-k shall have executed all the King's Orders for the Evacuation of the Place. His Grace adds, ‘ In the mean Time you will agree with me Sir, that the said Suspension has already its Effect on my Side, since I have just now inform'd P. Eugene and the Stat. Deputies, that in case they should undertake any New Operation, I could not give them any Assistance with the Qu's Army. On the 16th the D. of O. writes again to Ml. Vil, and says, Your Trumpet just now put into my Hands the Honour of your Letter of the 15th, and I am now to acquit myself of the Promise I made you yesterday. P. Eug. is march'd this Morning, and all the Foreign Troops have quitted us except one Battalion and Four Squadrons of Holstein, and Two Squadrons of Walef. He adds, Things having passed as I have the Honour to tell you, I thought myself oblig'd to acquaint you of it as soon as possible; and as I observed to you yesterday, the Suspension of Arms has already its Effect on my part, by the Separation I have made of the Q's Troops, and all her Artillery, from those of P. Eug. and by my declaring to him, I could give him no Assistance, and that the Payment of the Foreign Troops is stopp'd, and that by Consequence there is fallen upon the Emperor and Holland a Burthen they will not be long able to support. I trust, Sir, to your good Faith, and shall to morrow make a Movement to

put my self into another Situation, and I hope I shall have News from Dunk that w^{ll} authorize me to declare the Suspension of Arms. The same Day M^r. Vill. acquaints the D^r of O. that the Gov^r of Lnd's was making the Necessary Preparations to evacuate that Place: He telis His Grace, *For my part, Sir, as I already reckon you for our Ally, I am not at all in haste to have you furthor off, you are at your own Liberty to come near us, and encamp on the K^r's Territories, where-ever you shall think proper.* Upon this the D^r of O. the Day after order'd a Cessation of Arms to be proclaim'd by Sound of Trumpet.

The Committee very judiciously observe, That had the First Design taken effect, which was depended upon by Fran. and so far presum'd by Eng-d as to be undertaken for, that all the Foreigners in the Q^s Pay, that compos'd the D^r of O's Army, should separate and withdraw from the rest of the Allies, it is notorious, that from that instant P. Eugene's whole Army, unless they submitted to the same Measures, had been left at the Mercy of the Fren. Army, to be cut in Piecces, or made Prisoners, at the Will of M^r. Villars; which had left the Q^s Troops in no better a Condition than to have the Privilege of being last destroy'd; yet all the Allies, whose Honour and Conscience would not permit them to abandon their Confederates, and leave them as a Sacrifice to France, were punish'd by Eng-d with the Loss of their Pay and Subsidies, which was all that was in the Power of the Ministry to do, to shew their Resentment at this great Disappointment to the Measures of Fran. However, this March of P. Eug. Ld Str-d thought might be turn'd upon them, and he prevail'd with the D^r of O. in a Message to P. Eug. to say, *His marching without Concert with us, and all the Q^s Auxiliaries marching from us, expos'd us so, that we have been oblig'd to send to the French to declare with us a Cessation of Arms; nothing less could put the Q^s Troops in Safety;* for tho' Matters fell out so pat, without this we must have declar'd for the Cessation, yet why should we not turn all this Matter upon them? The Committee had not thought it worth their while to take notice of such an idle Attempt to impose upon the Senses of Mankind, if they had not been induc'd by another Passage in the same Letter to think it deserv'd some Observation; where Ld. Str-d giving an Account of what pass'd upon the Separation says, 'All the Eng-sh seem rejoyc'd to march

‘ march off, being weary of the Situation they were in, and
 ‘ the Reproaches they met with in the great Army ; There
 ‘ are Two or Three Faces very four, they sigh and wish
 ‘ the Hanoverians had not separated from us ; but I shall
 ‘ tell them perhaps it may be better. He may see by this
 ‘ Time the wrong Advice he has follow’d, since all must lay
 ‘ the Blame of the Separation upon him.’ But this is not
 the only Instance of the Scorn and Contempt which his
 Ldship was ready to express upon the like Occasions ; for
 July the 16th, 1712, giving an Account of a Conversation
 with Mr. Bulow, the Elector of Hanover’s General, wherein
 his Ldship. declar’d, *That the Queen had yet neither made Peace nor Truce,* which Declaration was made near a Month after the
 Articles for a Suspension of Arms were sign’d, and his Ldship,
 representing the great Dangers the Queen’s Troops were
 expos’d to by being left alone in their Camp when Prince
 Eugene march’d, and Mr. Bulow replying, in case of any At-
 tack they had been sure of their Assistance and Protection, his
 Ldship says, *My Answer was in a disdainful Way, it would be a very odd thing when an Elector of the Empire should be a sufficient Protection to Gr. Britain ; and Dec. the 14th, 1712, Ld. Strafford in his Letter to Mr. St. John says, Count Zinzendorf own’d, it was impossible to carry on the War alone, especially since the Elector of Hanover, who was the greatest Hero for the War, has threaten’d the States to recal his Troops, if they did not pay him the Queen’s Share of the Subsidies ;---- In short, Count Zinzendorf himself could not but laugh at the ridiculous way of proceeding of that Court.*

The Armies being now separated, and the Suspension of
 Arms declar’d, the Committee recapitulate in what manner,
 and by what Steps, this fatal Cessation was procur’d. They
 observe, in the First Place, That it is evident, it was of
 infinite Advantage and absolutely Necessary to the Affairs
 of France, and therefore insisted on by France ; and that
 it is as certain, that the English Ministry gave early into
 it, if they were not the first Advisers of it ; for which no
 other Account need be requir’d, but that *as all their Measures tended to advance the Interest of the Queen’s Enemies, they could not fail to be zealous in a Point which contributed more to those Views than any one Occurrence during the whole Negotiation ; but as they all along wanted Appearances,*

Appearances, and consulted them more than any real Advantages to the Kingdom, they thought it necessary to annex some Conditions to this important Article, that might pass upon the deluded People as a Justification of this unprecedented Treachery. The Demolition of Dunkirk was always so popular a Point, that nothing could strike the Imaginations of the People more, than to be told that this important Place was deliver'd into the Queen's Possession: This Step they thought, well improv'd, would recommend the Peace it self, at least justify the Cessation. And as the Nation had Nothing more at Heart, than the Disposition of the Spanish Monarchy after the Renunciation had been industriously cry'd up, and the Queen had declar'd from the Throne, that France and Spain were thereby *more effectually divided than ever*: These Two Articles were made the essential Conditions of granting a Cessation of Arms. For the latter, France easily consented to it, having declar'd it to be null and void by the fundamental Laws of France: For the first, 'tis evident how unwillingly France was brought to surrender Dunkirk; but this the Ministry were resolv'd to purchase at any Rate, as what would most easily amuse, and sensibly affect the Nation; and therefore to obtain this, they engage not only to grant a Cessation of Arms, but to conclude a Separate Peace. The Prospect of concluding a Separate Peace, and the obtaining an immediate Cessation of Arms, which answer'd all the Purposes of France almost as well as a Separate Peace, by leaving the whole Confederacy at their Mercy, were so great Temptations to France, that the Surrender of Dunkirk is agreed to; but if we consider what England gain'd by granting this fatal Cessation, we shall find the Demolition of Dunkirk supply'd by a New Canal more beneficial to France, and formidable to the Navigation of Great Britain, than Dunkirk ever was; and for the Renunciation, we were told by France, we should deceive our selves if we accepted it as an Expedient to prevent the Union of the Two Monarchies.

The Committee close their Observations upon this memorable Campaign of 1712, with inserting another Letter that was wrote by the D^r of Ormond to my Ld. Bolingbroke, The Dutch it seems, encourag'd by the Success of their Enterprise upon Fort Knocque, had form'd a Design for surprizing

prizing *Newport of Furnes*, which his Grace having Intelligence of, thought proper to write the following Letter Oct. the 21st, 1712, to my Ld Bolingbroke. ' I take this Opportunity to acquaint your Ldship with an Affair which has been communicated to me by a Person very well inclin'd to her Majesty's Service ; your Ldship. will best judge of the Importance of it, and the Use that is to be made of it, when I tell you, that the Success of the Enterprize upon *Knocque* has encourag'd the forming a Project for surprizing *Newport or Furnes*, and that the fortifying *Dixmude* is made use of as a Pretence for drawing together a Body of Troops sufficient to put the Design in Execution. If it be thought more for her Majesty's Service to prevent it, I am humbly of Opinion some Means should be found to give Advice of it to M^r. Villars, who may possible think we owe him that good Office, in Requital of some Informations your Ldship knows he has given me, with a Design to serve her Maj. and the Nation : I am not yet at Liberty to acquaint your Ldship with the Name of my Author, who desires the whole Matter may be manag'd with the greatest Secrecy.

The Cessation was no sooner declar'd, and *Dunkirk* deliver'd up, but Mr. de Torcy calls upon Mr. St. John to perform his Promise of concluding a Peace between *France* and *Gr. Britain* in a few Weeks, which, he thinks, can meet with no Difficulties, all the Conditions of Peace with *England* being regulated, and the Intentions of the King touching the General Peace known to, and approv'd by, her Britan. Maj. Mr. de Torcy then proposes the Method of regulating the Suspension by Sea, and insists, that during the Suspension, either General or Particular, the Transportation of neither Troops, Ammunition, nor Provisions, shall be allow'd into *Portugal*, *Catalonia*, or any other Place where the War continues. Pacquet Boats between *Dover* and *Calais* are to be immediately settled for the general Ease of Correspondence, and the Suspension of Arms to be publish'd in *Portugal* and *Catalonia*, without waiting till it shall be settled at *Utrecht*. All these Proposals from *France* are very readily assented to, and Mr. St. John thinks the Queen in a Condition not to lose a Moment's Time in concluding with the Ministers of *France* the

the Convention for a general Suspension of Arms, both by Sea and Land, and even the Treaty of Peace between Gr. Britain and France. Mr. St. John then opens to him the Measures that had been here concert'd for the D. of Savoy; Of all the Allies, says he, there is none whose Interest the Queen has so much at Heart as the D. of Savoy's: He hopes the most Chr. King will act in Concert with her Maj. and omit Nothing that may engage his R. Highness to come into all our Measures, and that may protect him from the Insults of the Imperialists for so doing; and among other Advantages propos'd for him, he lays it down as a Principle, that it is neither for the Interest of Gr. Britain nor France, that the Kingdom of Sicily should be given to the House of Austria, and therefore demands it for the D. of Savoy, and declares the Queen will not desist from this Demand. This Concern of the British Ministers for the D. of Savoy, the Committee is at a Loss to account for. The French, as appears by a Letter of the Bp. of Bristol to Mr. St. John, of the 26th of Apr. 1712, had actually offer'd Sicily to the Emperor. The D. of Savoy himself did not relish this Proposition, as appears by Ld. Peterborow's Letter to Mr. St. John of the 24th Sept. 1712, in which his Ldship represents the D. of Savoy expressing, That he was not so vainly impatient of the Title of King, as to lose or hazard any real Interest for an empty Name, but that he thought it much more extraordinary, that a Prince beaten Ten Years together by his Enemies, should remain at last with the Prize contended for, and which so often by Parliament had been declared the just and unavoidable Motive of the War: Again in Lord Peterborow's Letter of Nov. the 16th 1712, to Mr. St. John, he affirm'd, That Nothing can represent the Uneasiness of Mind of the D. of Savoy, after these Offers had been made him: To calm this Uneasiness, and to fix his R. Highness in the Measures of the Ministry, it was necessary the Ld. Peterborow should in a Memorial given to him represent, That his R. Highness in refusing these Offers must fall out with the Queen, and the English Ministers, whom his Ldship endeavours to excuse from the Reproaches cast directly upon them, as if they were Persons devoted to France. That for the Support of what was propos'd, a sufficient Fleet should be furnish'd either by England, or France, or by both

both Powers jointly, and that his R. High. should be guarantee'd and protected against any Power that should oppose this Project, or should insult him for having accepted these Offers. The Arguments of the English Ministers did at length prevail with his R. Highness; and if the View of the said Ministers was effectually to disable the Emperor from supporting himself against France after our Separation, by forcing into the Interest of France an Ally so considerable as the D. of Savoy, it must be confess'd these Measures were extremely well calculated for such an End; but it does not appear to the Committee how England came to be so far concern'd in this Matter as to offer its Guarantee for Sicily, which naturally must have engaged us in a War against the Emperor. This Forwardness of the Ministry in offering to make England Guarantee for Conditions advantageous only to France, seems the more extraordinary, when they observe, that, during the whole Course of this Negotiation, they find no Endeavours us'd to procure a Guarantee of our Confederates to secure the Protestant Succession, which had been address'd for by Both Houses of Parliament; nor do they observe, that the K. of Sicily, for whom so much was done, was ever requested to be Guarantee for the said Succession.

The dreadful Consequences of the Separation of the Armies, were now sensibly felt in the unfortunate Action at Denain, where M^r Villars on the 24th of July, N.S. attack'd Ld. Albemarle's Camp which he forc'd, took him Prisoner, and entirely defeated all the Troops under his Command: Mr. de Torcy immediately sends an Account to Mr. St. John of this agreeable News, and says, 'The K. of France is persuaded, that the Advantage which his Troops have obtain'd will give the Queen so much the more Pleasure, as it may be a new Motive to overcome the Obsturacy of the Enemies to Peace.' The Committee could not with Patience read a Letter from a Minister of France, declaring to the Secretary of State of England, That a Victory obtain'd by the Queen's Enemies over Her good Allies, must be a Pleasure or Satisfaction to Her Majesty. But at this Time the French thought themselves so sure of the British Ministry, that they depended upon their Assistance to push this Advantage against the Confederates still further; and Mr. de Torcy says, he hopes the Queen will effectually bring

them to Reason in agreeing immediately with the King, the last Measures that are to be taken for finishing this Work. She has the means in her own Hands, if she will make use of Ghent and Bruges, which Her Troops possess, and especially of Ghent; for it depends upon whosoever is Master of that Place, to make all the designs of the Enemies Generals miscarry, and to give Law to the Dutch. Neither was Mr. de Torcy singular in his Opinion about the Action at Denain; M^r. Villars would not lose a Moment in giving the D. of Or. an Account of this News; He ascribes the Victory to the Separation of the brave English, and insults the Allies as common Enemies, that must now be sensible what wrong Measures they had taken. In this Manner, and to this Effect, M^r. Villars thinks proper to write to the D. of Ormond; and at the same time desires his Grace to transmit this Account to the French Plenipotentiaries at Utrecht, and to make a thousand Compliments from him to Ld. Strafford. And that there might be no Part of the World where it was in the Power of the English Ministry to assist their new Friends the French, at the Expence of their old Allies, Mons^r. de Torcy further proposes, That the Queen should put a Stop to Count Starembergh's Projects in Catalonia, by sending Orders to Her Troops in Terragona not to let the Germans into that Place; and not content with being aided and assisted all that was possible by Land, he further desires that express Orders might be sent (and thorough France, as the shortest Way) to the English Men of War that were then Cruising in the Mediterranean, to suffer the French Ships that were then returning from the Levant, to pass unmolested; which was no sooner ask'd than comply'd with. But the taking Possession of Ghent and Bruges was not only the desire of Mons^r. de Torcy, but was supported by the Advice of the E. of Strafford; who in his Letter to Mr. St. John of the 17th of July 1712. says, 'I am for having the D. of O. send some Party on purpose to march through some of their Towns, to see whether or no they would refuse them Passage; if they did, that might authorize us the more to do a Thing very agreeable to the Queen's Troops, and what I believe you would approve of.' His Lordship adds, 'He (meaning the D. of O.) is very hearty in every thing, but really is under Difficulties with those about him; those that are able, are not yet entirely to be rely'd upon, and those that might be trusted, are

are not capable of giving Advice. And that there might be no doubt of his Ldship's Meaning in what he had before advis'd, July the 21st, he tells Mr. St. John, ' The Measures I mention'd would not be disagreeable to you, was that of marching to Ghent, which we have now so well executed that we are within two Days March of it, and the English are entire Masters of the Citadel, as likewise of all the Gates of the Town, and have Orders to be upon their Guard; not to let themselves be surpriz'd by two Battalions, one of Dutch and one of Walloons, in the Town, nor any Troops sent from any other Place. This is a Coup de Parti for the States who did not expect it, else they would not have behaved themselves with the Hauteur they lately did; the Thing was so well and secretly manag'd, that all Preparations were made to march about to Warrenton between Lisle and Ipres, to have liv'd upon the French Country, and till we had march'd a Day's march on this Side the Scarp, the Dutch and their Friends did not perceive our Design, which as soon as they did, their Surprise and Uneasiness were equally great.' The D. of O. having given an Account of his Marching his Army towards Ghent and Bruges, Lord Bolingbroke commends his Conduct, and tells him the Methods he had pursued where so well adapted to the present Conjurture of Affairs, that they answer in every point what they would have wish'd: That the News of Dunkirk could not have been follow'd by any more agreeable than that of his Grace's having directed his March towards Ghent. Moreover, on the 22d of July, O. S. his Lordship tells his Grace, That taking Possession of Ghent and Bruges had improv'd her Majesty's Views, which he is order'd to secure in the best manner he was able, and doubts not but it will have a good Effect upon the Conduct of the Allies.

On the 17th of July, O. S. in a Letter to Mons. de Torcy, Ld. Bolingbroke recapitulates what he said before concerning the D. of Savoy; and as a farther Motive to induce France to comply with his Demands, he represents that it will be very important to have his Concurrence both in the Suspension of Arms, and the Treaty of Peace, which in all probability will be made between Britain France and Spain, without the Intervention of the other Allies; and that Savoy's declaring for us will be a decisive Stroke, and the more necessary because the K.

of Prussia's Conduct has not answer'd the Queen's Expectations. Before this Letter was dispatch'd, the Lord Bolingbroke receives Mons. de Torcy's of the 26th, N. S. In answer to which, July the 18th, O. S. he insists further in behalf of the D. of Savoy, tells him with great Satisfaction, That the D. of Or. was possess'd of Ghent and Bruges; and as the Q. embrac'd with a great deal of satisfaction every Opportunity that offer'd to do the King a Pleasure, positive Orders are sent to Admiral Jennings to suffer the French Ships coming from the Levant, to pass freely. It is almost incredible that the English Ministry, however determin'd they were to give up the Honour of the Queen, and Interest of their Country, in following the Dictates of France should venture to do it in this open Manner. All that had been hitherto declar'd, was a Suspension of Arms in Flanders, and that our Troops were to act no longer against France: But here by the Advice of the E. of Strafford, at the Desire of Mons. de Torcy, they are to keep Possession of Ghent and Bruges in order to disappoint the Designs of the Enemies of France, and the Allies of the Queen; and altho' the Suspension of Arms extended as yet no further than to the two Armies in Flanders, and the general Suspension by Sea and Land was not sign'd till the 19th of August, N. S. the Ld. Bolingbroke on the 18th of July, O. S. declares he had then sent very positive Orders to the Q's Admiral not to intercept the French Fleet coming from the Levant.

These constant Compliances in the English Ministry encourag'd Mons. de Torcy, to pres again the concluding the Separate Peace between England and France, as what they both agreed in to be the most effectual Way to make the rest of the Allies comply. He desires that the Troops in Flanders under the Command of the D. of Or. may be left there to make a good Use of the Towns which he was in Possession of; but as the K. of France wou'd not consent to the D. of Savoy's having Sicily except the Elector of Bavaria has also the Netherlands besides his Electorate, he thinks the Q's having a good Army in Flanders under the Command of the D. of Or. may render this very practicable; and as the Q. has done a great deal for her own ungrateful Allies, it will be for Her Glory now to contribute to the Good of a Prince of so much Merit as the Elector of Bavaria, whose Acknowledgments will be equal to the Benefits

he shall receive. But this would not pass even upon the Ministry of Great Britain : The giving Flanders to the Elector of Bavaria, was what would absolutely engage us in a new War to oblige the Imperialists and Dutch to agree to it ; and they could not think fit for the Honour or Interest of the Q. to make War upon Her Allies, as ungrateful as they had been, in Favour of the Elector of Bavaria ; and especially considering, that altho' we could secure Ghent and Bruges for him, the Allies had yet an Army in Flanders so considerable both for the Number and Goodness of their Troops, that they were able to defend the Conquests they had made. And to give him Sicily, which was likewise demanded, Lord Bolingbroke hopes it will not be insisted on, because it might be the occasion of continual Jealousies ; it might in particular be the Source of disputes and Quarrels betwixt England and France, whose strict Union and indissoluble Friendship were the Points in view to which all our Measures had been directed for so long a time. The Qn's Ministers think when the K. of France has made all reasonable Efforts for his Allies, he must do something for the Love of Peace, and that a particular Interest should yield to the general. You cannot, says Ld. Bolingbroke, but feel the Force of this Argument, because you are not at all ignorant that this Negotiation was begun and carried on upon a Supposition, that the Q. must desist from many Conditions, which in rigour She was oblig'd to procure for Her Allies. He very strongly urges the Necessity of concluding immediately the Peace between England, France, and Spain ; but absolutely insists upon Sicily for the D. of Savoy. But altho' this Negotiation was carry'd on upon a Supposition, That the Queen was to depart from several Things, which in justice ought to have been procur'd for Her Allies, the K. of France thought himself under no such Obligation ; His Honour to an Ally, whose Fidelity was without Reproach, was not to be dispens'd with ; and therefore to satisfy his Engagements to so good an Ally, was a Point from which the King of France would never depart. But to shew the King's good Dispositions to the Peace, he at last consents to the D. of Savoy's having Sicily upon certain Conditions ; wherein very ample Provision is made for Satisfaction to the Elector of Bavaria ; and one express Condition is, That a Peace be concluded between England, France, Spain and Savoy. In answer to this Letter Ld. Bolingbroke acquaints

acquaints Mons^r. de Torcy, That he had receiv'd the Queen's Orders to go immediately to France, and he hop'd under the *Auspices* of the Abbot *Gaultier* in a Week's Time to salute him at Fontainbleau.

Whilst these great Points were transacting, directly betwixt France and England, nothing material pass'd at Utrecht; However some few Passages concerning such Communications as were thought necessary to be made to keep up the Form of a Negotiation, are here taken notice of.

The Advice of the D. of Ormond's Orders to engage in neither Siege or Battel, gave great Alarm; the States desire the British Ministers to give them some Satisfaction concerning a Matter wherein they thought Religion, Liberty, and all that is valuable, was so nearly concern'd: To which they could obtain nothing but very general Answers. Upon which they expressing their Discontent to be kept entirely in the Dark, without the least Knowledge of what was done, or intended to be done, the Bishop took that Opportunity to put an End to their Curiosity by executing the Orders before-mentioned, *That the Queen thought Herself now under no Obligation whatsoever to the States.* This Declaration is grounded upon the Behaviour of the States; but it must be remembred, that this Order is dated very few Days after the Orders to the D. of Ormond not to engage in Siege or Battel. And in the same Letter the B. of Bristol, giving an Account of a Conference between his Lordship and Mr. Consbruck, the Emperor's Minister, the Bishop says, *He was very desirous to know, and I was as unable to inform him of the Particulars wherein the Care of the Emperor's Interest did consist.* The Dutch did likewise send an Express to their Minister at London, with a long and most moving Letter to the Queen, to remonstrate against this Proceeding, but he could obtain no Answer at all; 'Mr. St. John thought the Queen intending that Week to lay before the Parliament the Plan of Peace, the Proceedings of the Two Houses on that Occasion, would be a more seasonable, as well as a more decisive Answer to the States than any he could return.' The Queen having communicated to the Parliament how far the French are already come, in their Proposals for settling a General Peace, the Bp. of Bristol is directed to discourse with the Ministers of the

the several Allies as soon as possible, agreeable to the Plan contain'd in Her Majesty's Speech, but before his Lordship makes this Step, Mr. St. John tells him, It will be proper that he speaks first with the French Plenipotentiaries upon this Subject, and enquire of them whether they will be willing, and in what Manner they will be willing to give this Communication to the Allies. But the Bp. of Bristol gives an Account on the 28th of June, N. S. That the French Plenipotentiaries declared they had no such Orders, and without them they could not do it: And the Bishop finding it might be of some Service, and that it was look'd upon at the Hague as a Step that might facilitate the Suspension of Hostilities, his Ldship did again press the French Ministers to know, whether they were willing to declare in a solemn Conference, that the Particulars declar'd in the Queen's Speech are the King their Master's Offers to the Allies, and that he will make them good in the Negotiation. The French again refus'd to make any such Declaration; and in this Opinion they persisted even after the Dutch Ministers consented to accept the Contents of Her Majesty's Speech *pro materia tractandi*, if the French would at the same time acknowledge them to be their Master's Offers, and negotiate upon them in order to make them good. But the French Plenipotentiaries were so far from agreeing to this; that they demanded of our Ministers to know the Qn's Mind upon the several Parts of the last general Plan brought over by Mr. Gaultier, and which are not explain'd in Her Majesty's Speech; saying, Their King expected it, and they do not know how to proceed till those Points be stated; and the utmost they were to be brought to, was, that it was not to be understood to exclude their Master from making some Demands for the E. of Bavaria, and that Lille was to be restor'd over, and above the Two or Three Places excepted in the Queen's Speech.

At the same Time that Mr. St. John communicated the Q's Speech to the Bp. of Bristol, he orders him to let the Dutch Ministers know, that the Q thinks a Suspension of Arms, at least in the Netherlands, to be absolutely necessary. And here the Committee observe, that these Orders to propose to the States a Suspension, are dated June 11, O. S. which was the very Day the Articles for a Suspension were sign'd by M. de Tor, and had been sign'd by L. B. ke 5 Days before. In seve-

ral Letters that follow'd from the B. of *Bristol*, ' He gives an Account of the general Dissatisfaction of all the Allies, and the inexpressible Consternation they were all in; that they represent'd our Proceedings as the unavoidable Ruin of Europe; Religion, Liberty, the Faith of Treaties, are urg'd to shew the Enormity of our Usage. His Ldp. does not know what he may expect from the unmeasurable Rage of the People, nor where it will end: That the Dutch seem to be uneasy, on no Account so much, as that they cannot come to the Knowledge of what is to be their Lot: Their Concern is chiefly, that they cannot know the Particulars of what is design'd for them, especially what Species are to be excepted out of the Tariff of 1664, and what Towns out of the Barrier. On which Occasion the B. of *Bristol* did, as with the greatest Truth, assure them, that he knew nothing either of the one, or the other. But the Reception these Representations met, seems to the Committee as unaccountable as any thing that happen'd: Mr. St. J-n, June 20, O. S. says, They are not surpriz'd at the Clamoars and Rage of the Dutch, which they foresaw and were prepar'd for: It is certain we run great Hazards, but it is as certain their unaccountable Folly is the Occasion of it: He cannot imagine the Bp. should be in any Danger, his Character is sacred in a double manner; and besides, I have Reason to think that tho' they kick and flounce like wild Beasts caught in a Toil, yet the Cords are too strong for them to break; they will soon tire with struggling, and when they are tir'd grow tame. This is the Treatment and Language which the Q's Secret. thinks fit to bestow upon her Allies: Their desiring to have some Satisfaction in what most nearly concern'd them, is call'd Unaccountable Folly, that had drawn all these Mischiefs upon them; and if any Resentment is shewn, they are wild Beasts; but the Cords of the Toils which Eng-d and Fran. had caught them in, were too strong for them to break. But L. Str-d is not content with hard Words only, He is glad that Orders were given to stop the Pay of the Foreigners, of which they complain horribly, but it will make them humble and sharp; handling does better with these People, than the best Words.

June 24. O. S. Mr. St. John writes a long Letter to the Ld. Priv. Seal, and instructs him to lay the entire Blame of all that has happen'd, upon the Dutch and that the Want of Concert is

is only to be imputed to those who are at the Head of Affairs in Holl. however, that Her Maj. is still ready for their Sakes, and for the Sake of the common Interest of Europe, to forget all that is past, and to join with them in the strictest Terms of Amity and Confidence. This Farce was still to be carry'd on in Holl. and these Professions made in the Name of the Q. when it is notorious that 4 Days before, June 20. O. S. Mr. St. Jn had in the Strongest Terms, promis'd in the Q's Name to Mr. de Tor. to conclude a Separate Peace with Fran. on Condition Dunk. was deliver'd to the Eng-sh; and that this Offer of a Separate Peace made by Engl-d arose from the French's refusing to deliver Dunk. upon the Conditions first agreed upon, altho' at the same Time the Q's Plenipotentiaries are directed in a most publick manner to lay the Blame of all our Measures at the Door of the Stat. Gen. But altho' in all the Letters that pass'd between L. B-ke and Mr. de Tor. the concluding a Separate Peace is treated as a thing settled on Both Sides, the Plenipo's at Utrecht are order'd to proceed upon another Foot; and in a Letter from L. B-ke of July 16. O. S. to the Plenipo's jointly, upon a Supposition that L. Str-d was then got back again to Utr-t, they are ordered to lose no Time in settling the Conventions for a Suspension of Arms between Gr. Brit. and France, both by Sea and Land; and when that is brought to Perfection, to call upon the Allies to enter again upon the Negotiations on the Foundation of the Plan laid down in the Q's Speech; and it is desired Their Lordships will appear sollicitous in this Matter, and affect to be the Aggressors, and to press the Allies to give in categorical Answers. By this means the Negotiations were seemingly set on foot again; and whether the All-s did or did not comply, our Ministry were ready to make their use of it either way; if they did comply, the Scandal of a Separate Peace would be avoided; if they did not, the Blame was to be imputed to their Obstinacy.

The Treaty being left upon this Foot at Utrecht, with a possibility of being carried on or dropt, as should be found convenient, and the K. of Fran. having consented to the Demands made by England on Behalf of the D. of Savoy; but among others upon these two express Conditions, That a Suspension of Arms both by Sea and Land be immediately granted; and that a Separate Peace between England, Fran. Spain,

and Sav. be forthwith concluded, it was thought proper and necessary, that Ld. B-ke should go himself to Fran. finally to adjust and settle the great Points in Dispute. The Substance of his Instructions was, to remove all Difficulties that might obstruct the general Suspension of Arms between Eng-d and Fran. from taking Place, or settling the Treaty of Peace in such a Course, as may bring it to a happy and speedy Conclusion. But to declare, that he does not imagine there will be any Possibility to prevail with the Q. to sign the Peace with France and Spn, unless full Satisfaction be given to the D. of Sav. He is therefore to take particular care to settle his Barrier, and to procure Sicily for him; to settle the Renunciation in such a manner, that there may be as little room left as possible for Dispute or Delay; that the Elector of Bav. may have Sardinia, and be restor'd to his Dominions in the Empire, except the Upper Palatinate and the First Electorate; and then he is to proceed to speak to such Articles as relate to the Interest of Gr. Br. and endeavour to have such of them, as there may appear to be any Doubt concerning, explain'd in the most advantageous Manner. And then he is to do his best to discover, upon the several Parts of the general Plan of Peace, what the real Ultimatum of Fran. may be; and when the Peace between England and Fran. shall be sign'd, that it may be expedient to fix the Allies a Time to come in, wherein the Q. will use her good Offices, but will not be under any Obligation to impose upon the Allies the Scheme offer'd by Fran. or to debar them from obtaining better Terms for themselves. By these Instructions it appears, that Ld. B-ke was impower'd to conclude a Separate Peace with Eng-d, France, Spain, and Sav. that at this Time there was some Doubt concerning several Articles relating to the particular Interests of Gr. Br. which he was to endeavour to get explain'd; but no Instruction, if his Endeavours prove ineffectual in Behalf of Gr. Br. not to conclude the Treaty, which in these very Instructions is expressly provided for in Favour of Sav. And His Lp. is order'd to do his best to discover the Ultimatum of Fran. which hitherto, it seems, the Ministry were ignorant of: But whether Fran. condescended so far or not, as to let His Lp. into this Secret, our Treaty was to be concluded; and the Ministry seem to think, they had sufficiently discharg'd their Duty in declining to be engag'd to impose what Terms Fran. should think proper, upon the Allies; those Allies to whom

whom the Q. was bound by the Faith of Treaties, and all the most solemn Engagements and publick Declarations, to procure all Just and Reasonable Satisfaction, according to their several Alliances. But now it seems sufficient that we did not debar them from the Liberty of endeavouring to obtain still better Terms for themselves. With these Instructions Ld. B-ke goes to Fran. and without entring into any further Particulars, the Convention for a general Suspension of Arms between Gr. Br. and Fran. for 4 Months, was sign'd at Paris by Ld. B-ke and Mr. Tor. Aug. 22. N. S. 1712, as His Lp. says, but dated Aug. 19, N. S.

Fran. was now become entire Master of all future Negotiations, and did not fail to make use of the Power that was put into their Hands ; an early Instance of which was seen in the Affair of Tournay : But being now come back to Utrecht, the Committee mention an Incident that happen'd there ; the Dispute between Count Rechteren and Mr. Mesnager, which was made use of by the French to keep the Negotiations in suspense as long as it serv'd their Purpose, and in which England concurr'd.

Aug. 30, the Brit. Plenipo's acquaint Ld. B-ke, that in some Discourse with the Ministers of the Allies, they had carry'd Matters so far as to tell them, That tho' Her Maj. will endeavour to promote their Interest in a Peace, and obtain for them the best Terms that shall be possible, yet if those Endeavours should not procure more than the Contents of Her Majesty's Speech, or even in some Degree fall short of that Plan, the Fault will be entirely theirs, who have render'd things difficult and uncertain, which otherwise would have been easy and practicable. And having thus far complied with their late Orders to lay all the Blame upon the Allies, they further inform His Lordship, that they had, however, obtain'd the Consent of the Ministers of the Allies to come to a Conference with those of Fran. in order to renew the Negotiations ; the Time to be fix'd between the British and Fren. Plenipo's ; who meeting to have some Discourse previous to the general Conferences, parted without coming to any Conclusion. The Occasion of their Difference, that prevent'd renewing the Conferences, arose upon Proposals made by the British Ministers in relation to Tournay. Their Lps in their Letter of the 2d of Sept. N. S. to Ld. B-ke, state the Case in this manner : In Her Maj's Speech it is express'd, That

the Dutch are to have the entire Barrier as demanded in 1709, except Two or Three Places at most. The Fren. Ministers insist, that they must have Lille as an Equivalent for Dunk-k, and that the same is not to be understood as one of the three Places mentioned in the Speech, and consequently that they must, in all, have Four of the Places mentioned in the Demands of 1709. This to us appears to be altogether inconsistent with what Her Maj. has declar'd, and we accordingly think it contrary to our Duty to bring on a Conference in which such an Explication is to be made. The Fren. Ministers, on the other Hand, have shew'd us their Orders, which positively require them to insist upon the Restitution of Tournay as well as Lille; and that they can, by no means, consent to the Cession of Maubeuge or Conde. The Brit. Ministers then press'd the French to speak at first in Terms as general, as their Proposal was conceiv'd in; but the Fren. thought it necessary to be particular and express in that Point above all others, because they should otherwise have ty'd themselves up, and given the Dutch an Advantage. The Result of this Debate was not to proceed to a Conference till this Point be determin'd; the French insisting that their Orders were so plain as neither to need or admit any Explication; and the Brit. Ministers thinking the Matter as plain on their Side. They hope their Zeal for Her Maj's Honour will be graciously approv'd, and desire to be directed what further they are to do in this Matter, which they apprehend to be of a decisive Consequence, because they find even those among the Dutch, who appear to be most cordially dispos'd to such a Peace as may re-establish a good Harmony between Her Majesty and the States, as absolutely necessary for their mutual Preservation, fully resolv'd, either to retain Tournay and have Conde yielded to them, or to take one of these two Courses, either to come into any Terms that France offers, or to continue the War at all Hazards. In the same Letter our Plenipo's give an Account, that the Fren. Ministers did insist, that the Stat. Gen. should in a publick manner disavow C. Rechteren for the Affront done to Mr. Mesnager, and then remove him from the Congress; And this Satisfaction to precede any further Negotiation.

The Language which our Plenipo's had us'd to the Allies is very much approv'd by Ld. B-ke, who says they had spoke the Sentiments of the Q's Heart in what they declar'd, August 30, N. S. and that if the All-s did fall short of the Plan laid down in

in the Queen's Speech. the Fault was entirely their own. His Ldship says, 'sure it is, that this Plan was nothing more than the Ultimatum of what France would offer, but he wish'd that the Imperial and Dutch Policy had not render'd it the Ultimatum of what France will grant. The same general Reflection may be applied to the particular Case mentioned in your Ldship's last Letter. France would have yielded Tournay, tho' much against the Grain. If France has now any Advantage, and refuses flatly to yield what she only begg'd to have restor'd, the Fault is entirely theirs.' But the Dispatch of the Plenipotentiaries of the 2d of Sept. relating to Tournay, having not yet been consider'd by the Lords of the Council, his Ldship could not give any positive Instructions about it till the next Opportunity : but in the mean Time recommends to them Two Considerations ; that the keeping of the Dutch in hopes of Her Majesty's good Offices, will prevent them from taking any desperate Resolution ; and the French insisting to have Count Rechteren disavow'd before any further Treaty, will put off for some time the Decision of that great Point.

Ld. Strafford in the mean Time, by his Letters of the 13th and 16th of Sept. N. S. 'represented the States as mighty sunk with their Misfortunes, and not knowing well what Measures to take, but that they insisted upon Tournay as so essential to their Barrier, that they actually had none without it ; and his Ldship is so much of that Opinion, that he wishes they might have Tournay, tho' they were forc'd to truck Ipres for it ; that if he could positively assure them they should have Tournay, he believed they would submit to the Plan of the Queen's Speech.' This Opinion of his Ldship is not very easily to be reconcil'd to what he afterwards wrote to Mr. Prior upon this Subject, Oct. the 4th, 1712. 'If we had a Mind to have Nick Frog sign with us, we might, for he is ready to do it for Tournay ; which, if we sign together, we can't well refuse him, but I expect you will cut that Matter short, and I long to hear from you.'

The Transaction in relation to Tournay, is by the Committee set forth in one short View: The Dispute concerning it arose from the French Ministers insisting to be very particular and express in demanding the Restitution of this Place ;

Place ; which the British Plenipotentiaries conceiving to be inconsistent with what the Queen had declared, refuse to open the Conferences until they had further Orders. When this came to be consider'd in England, L. Bolingbroke says, *It occasion'd Warmth in the Cabinet-Council* ; but his Ldship instead of taking Measures for preserving the Town as Part of the Barrier of the States General, which, as he confesses, was so intended in the Queen's Speech, proposes Expedients whereby the Town might be restor'd to France without the Queen's becoming a Party to a Thing which was contradictory to what She had once advanc'd : And gives his Advice to Mr. de Tocry, by what Management Tournay might be secur'd to the K. of France, contrary to the avow'd Sense of what the Queen had declared in Parliament ; and altho' France had consented in a Memorial deliver'd by Ab. Gaultier so early as the 18th of Nov. 1711, not to insist upon Tournay ; and this he does in his private Capacity, and not as a Secretary of State. But that his Ldship was not single in his Endeavours to assist France upon this Occasion, appears by the great Trouble that he says this Matter had given both him and my Ld. Treasurer in the Cabinet ; and if any Regard is to be given to Mr. Prior's Paper, my Ld. Treasurer must certainly have written to Mr. Prior upon this Subject, who could otherwise have had no ground to say, *My Ld. Treasurer does not at all doubt but the Court of France will find a Remedy* : Which is agreeable to what Ld. Bolingbroke said in other Words when this Advice was sent : *The Solution of this Difficulty must come from France*. What happened afterwards in relation to Tournay, upon what great Concessions made to France, together with the advantageous Terms procur'd for the Elector of Bavaria, the Measures and Councils relating to this Affair were afterwards alter'd, is not material enough to require a long Detail ; but nothing less than an absolute Concurrence, without any new Objection or further Demands, was to satisfie for the Cession of Tournay, and that it was at last obtain'd is owing solely to the Firmness and Resolution of the States.

The Dispute between Count Rechteren and Mr. Mesnager was still kept on Foot ; tho' it was at last left to Her Majesty to decide upon this Difference. There being some Points relating to Commerce, and North America, which are

are of very great Consequence to the Interest of the Q.-n's Subjects, and the Honour of this Treaty still to settle; Ld. Bolingbroke thinks it necessary, tho' the Dutch may be uneasy that that Affair of the four Species to be excepted out of the Tariff of 1664, should still be kept in Uncertainty; and the British Plenipotentiaries accordingly, to gain Time till they could know Her Majesty's Pleasure, reviv'd the Difference between Count Rechteren and Mr. Mesnager; and hope 'tis for Her Majesty's Service in this manner to stave off the Conferences.

The Differences that arose concerning the Treaty of Peace, and in particular about our Commerce, being finally to be determined at Paris by the D. of Shrewsbury and Mr. Prior, the Committee think it needless to enter into all the Orders and Instructions, Objections and Answers, that went and came to and from Utrecht, where there was, indeed, but little more than the Form of a Negotiation; and conceive that an Account of what pass'd between London and France will set this whole Matter in a clear Light. In the first Place, they take Notice here of a remarkable Passage or Two, found in Ld. Bolingbroke's Letters to Mr. Prior. On the 19th of Sept. O. S. Ld. Bolingbroke sends Mr. Prior an Account of some Advices they had receiv'd of the Invasion of the Lee-ward-Islands by the French. ' This, Dear Mat. says his Ldship, proves a very untoward Contretemps; it gives a Theme to the Whigs, and serves to awaken the Passions that were almost lull'd asleep. We expected that Cassari's Squadron might be gone to the Coast of Brasil, or to Surinam, but we never imagin'd our Colonies would have been attack'd by him, at the Time when we were knitting the Bands of Friendship between the Two Nations with all possible Industry. Could this ill Opinion of our new Friends have entred into our Heads, I do assure you he should have been accompanied by a Fleet of the Queen's, which would have kept him in Respect: Compare this Conduct with that of the Queen's, &c.' And here follows the Passage which has been already mention'd, wherein his Ldship declar'd concerning the Order sent to the D. of Ormond. ' I will not say this Order sav'd their Army from being beat, I think in my Conscience that it did. His Ldship goes on. ' In a Word we depended so much upon

upon the good Understanding, which we thought establish'd, and were so earnest to prevent any thing which might break in upon it, that we not only avoided to fortifie our Squadron, as we might have done, but we also neglected to put in Execution some Designs, which would have annoyed both French and Spaniards, perhaps more than any that have been effected in the Course of this War.

Another Instance of his Ldship's good Disposition to the French Nation is to be found in his Letter to Mr. Prior of the 29th of Sept. wherein he says, 'I have got at last the Affair of the *Griffin* compounded, not without very great Difficulty; and tho' the Sum paid to the Captors was so large as 35000 l. the Ship was plainly Prize, and the Pass sent over hither might have been prov'd to have been numerically one of those I deliver'd at Fontainbleau, 4 Days after the *Griffin* was in Sir Thomas Hardy's Power; tho' *Gaultier* was ready to swear that he receiv'd it some Months before; which part of the Abbot has, I confess to you, done him no Good in my Opinion. From whence it appears, tho' this Pass was none of them, that Passes had been granted some Months before the Suspension was concluded.

Whilst the English Ministry are doing these good Offices to the Subjects of France, and taking all Opportunities both publick and private to espouse their Interests, the Committee is surpriz'd at the ill Treatment which England receiv'd from France at this Time, and at their Backwardness in making good the Promises and Engagements they were under in some Points that most nearly concern'd the Interests of Gr. Britain. At the latter End of Oct. Mr. Prior was sent into England, and by what appears left his Resilience in France, without the Leave or any Order from the Q-n his Mistress; but was sent over by the K. of France as a proper Person, whom he thought fit to entrust with the great Secret of prevailing with the Queen by her Credit to obtain what the K. demanded for the Elector of Bavaria. He brings a Credential Letter from the K. of France to the Q-n, which seeming something New of the Kind is annex'd in the Appendix. About the middle of Nov. Mr. Prior goes back into France with new Instructions, wherein the Proposal of a Neutrality in Italy

Italy is one of the chiefest Articles ; and that he might have a perfect Knowledge of the Queen's present Resolutions and Councils in relation to the present Treaty of Peace, a Copy of the last Instructions to the Plenipotentiaries at Utrecht is given him, that as Occasion should require he might act in all Things conformable to the Q n's Intentions therein express'd. He carries likewise a Letter from the Queen to the K. of France, wherein, among other Things, it is said, *That Mr. Prior continuing to behave himself so as that his Conduct may be entirely agreeable to the K. of France, he does but literally execute the Orders the Queen had given him, and is a Proof of his Duty and Zeal for her Service.* After this it appears that when the Treaty of Peace was ready to be concluded, the Advantages *Gr. Britain* was to expect and reap from the Endeavours of the British Ministry, to assist and support the Cause of France, were in a great Measure unsettled and undetermined. France began to cavil, and as Ld. Bolingbroke said, go back from what the King had promised the Queen. His Ldship cannot be persuaded, as he tells Mr. Prior, *That the French act either fairly or wisely, they press us to conclude, that they may have others at their Mercy ; and at the same Time they chicane with us concerning the most essential Article of all our Treaty, and endeavour to elude an Agreement made, repeated, confirmed.*

The Two great Points of Moment in Dispute, were concerning the Fishery at Newfoundland, and in what manner the Cession of *Cape-Breton* was to be made ; the other was about the Treaty of Commerce. As to the first, it is observ'd, That in the Queen's Instructions to the D. of Shrewsbury, He is directed to propose, as the Queen's last Resolution, that She will Consent to give and yield up to His most Chr. Maj. the entire Possession and Propriety of the Island of Cape-Breton, but with this express Condition, That his said Maj. shall on his part, in consideration of the same, relinquish to Her Maj. all manner of Right to Fishing and drying Fish on the Coast of Newfoundland, or any part, reserv'd to his Subjects, by the Articles sign'd at London the 27 Sept. 8 Oct. 1711.

Several Representations were sent backward and forward, shewing the fatal Consequences of what was demanded by France ; and altho' Ld. Bolingbroke in his Letter to Mr. Prior

of the 19th of Jan. 1712-13. insisted that the Queen had never yielded what France pretended to, which then remain'd an unsurmountable Difficulty ; yet in his Letter to the D. of Shrewsbury of the same Date, he tells his Grace, if the French close with the Overture he then made them, with regard to the Disputes concerning Commerce, Her Majesty is willing to accept the last Expedient proposed by Mons. de Torcy, for adjusting our Differences about North America, and to consent that the King, in the Cession of Newfoundland, do reserve to his Subjects a Right of Fishing and Drying on the Coast of Newfoundland, from Point Rict North about, to Cape Bonavista; and here no Direction is given concerning Cape Breton, of which the French got the entire Possession and Propriety ; altho', in the D. of Shrewsbury's Instructions, it is declar'd, That the Q-n look'd upon Cape Breton to belong to her ; and reckon'd that Island a Part of the ancient Territory of Nova Scotia, which is, by this Treaty, restor'd to Her. But if his Grace could not prevail upon them to agree with him in the Article of Commerce, he was to declare, That neither will the Q. agree with them in their Proposition concerning Newfoundland. Here the Committee considers upon what Consideration this valuable Privilege of taking and drying Fish upon the Coast of Newfoundland was yielded up to France. In Mr. de Torcy's Answer to Ld. Bolingbroke's Memorial of May the 24th 1712, it was agreed, ' That Britain and France should grant to the Subjects of each Crown reciprocally, the same Privileges and Advantages which they shall either of them grant to the Subjects of any other Nation whatsoever ; ' upon this Foundation was establish'd the Principle of treating, and being treated, as *Gens amicissima*; and pursuant to this Principle the Tariff of 1664, which was granted to Holland, excepted the Four Species, was likewise to be granted to us ; and by the 8th and 10th Articles of the Project of the Treaty of Commerce it was so settled. But France pretending now, that this Tariff would be too beneficial to us, refused to grant it to us, until another Tariff should be made in Britain exactly conformable to that of 1664, whereby our Duties should be reduc'd as low here, as theirs are in France by that Tariff. This, Ld. Bolingbroke says, is ' an open Violation of Faith ; and by this they are removing a Corner-Stone, which was laid early in the Foundation of a Building brought almost to Perfection ; the Fall where- ' of

' of must prove at last of as fatal Consequence to them as
 ' to us.' He adds, 'He was strangely surpriz'd when he
 ' saw the Precedent of the *Ryswick* Treaty quoted, to per-
 ' suade us to refer our Commerce, as the *Dutch* then did
 ' theirs, to Commissioners, to be treated of after signing
 ' the Peace, that the Behaviour of the *French* upon
 ' that Occasion has given us warning; and it is from thence
 ' we have learn'd, that whatever is referr'd, is given up; and
 ' they must have a mean Opinion of those whom they would
 ' perswade to pursue the same Method, to get the Tariff of
 ' 1664, by which the *Dutch* then lost it.' But his Lordship,
 had either not learnt this Lesson, or had entirely forgot it,
 when on the 24th of *May* he himself had propos'd, 'that se-
 ' veral Points relating to Commerce, requiring a longer Dis-
 ' cussion than that Crisis would admit, Commissaries should
 ' be appointed to settle and adjust the Differences.' But,
 then it seems they were more intent upon the General Peace,
 than any particular Advantages.

After this his Lordship proposes to strike out of the Project
 of the Treaty of Commerce the 9th and 10th Articles, and in-
 stead thereof, to insert one to the Effect of that which he had
 drawn; And as the Acceptance of this Amendment was to
 put an end to all the Differences, and gave such ample Ad-
 vantages to *France*, the *French* readily agreed to it; And
 inserted it *verbatim* as it was sent, which makes the Ninth Ar-
 ticle of the Treaty of Commerce as it now stands, and is
 the same that was rejected by the last Parliament; and this
 Article which has been since so universally and justly con-
 demned, appears to be the Work of the English Ministry,
 and the Price for which they sold to *France* the Fishery of
Newfoundland.

This Treatment of *France* could not but give the Ministry
 the greatest Uneasiness, tho' their Apprehensions, lest the
 Circumstances they were in should be known, far exceeded
 their Concern at the Disappointment *Great Britain* was like
 to meet with. They had sign'd a separate Treaty with *France*
 in September 1711. upon this single Principle, that the Inter-
 ests of *Great Britain* were in the first place to be adjusted,
 and as long as they had this to say, they were unconcerned
 at all other Events. They had gone on for Fifteen Months
 together, and acted in every thing as the Instruments of *Fr.*
 and are at last in danger of being disavow'd by *France*, in

the most essential part of all their Treaty. One of the chief Inducements and principal Conditions upon which the ~~fat al~~
Cessation of Arms was granted, was, That no Privileges or Advantages relating to Commerce with *France* shall be yielded to any Foreign Nation which shall not at the same time be granted to the Subjects of Her *Britannick Majesty*; but *France* had now reap'd the full Benefit of the Suspension, and were at Liberty to dispute the Principle of *Gens amicissima*. In these Circumstances were the *English Ministry* in January 1712-13. and to extricate themselves, they give up all Points in Dispute in *North America*, and the *Fishery of Newfoundland*; upon the single Consideration of the Ninth Article of the Treaty of Commerce, which the Parliament rejected with a just Indignation. However, to bring *France* to a Compliance, even upon these Conditions, the Duke of *Shrewsbury* is instructed to prevail with *France* to come to this Resolution without the Loss of one Moment's time. The Parliament was suddenly to meet, and it would be necessary for the Q. to communicate to both Houses the present State of the Negotiation. His Grace is then to represent to Mons. de *Torcy*, How smoothly every thing would glide along, if the Q. was able to speak of *Her own Interests* as absolutely determined with *Fran.* and on the other hand, what Travels we shall be expos'd to, and what Confusion may arise, if our Negotiation appears to be still open, and if the Secret comes to be divulged, that *France* refuses to make good in the Treaty the full Effect of former Promises to the Queen. That as the French Ministers desire that the Q. would precipitate the Conclusion of *Her Peace*, and leave all the Confederacy at their Mercy, they must be told, that when the mutual Interests of *France* and *England* are settled, the Plenipotentiaries of Great Britain shall publickly declare in the Congress that they are ready to Sign with those of *France*, and shall call upon the Allies to quicken their Negotiations, and conclude without Loss of Time. But if they seek unnecessary Delays, or make unreasonable Demands, Her Majesty, who has induced them to Treat, will by the same Measures engage them to conclude, or at least She will sign without them. And that the Queen having once declared *Her Interest* to be settled, and *Her Treaty* ready to be sign'd, the General Peace becomes from that Moment sure; and the Remainder of the Negotiation easie; it is therefore wise for the French to comply.

comply with Her Majesty. The great Distraction the Ministry was in, appears sufficiently from this long Letter of Ld. Bolingbroke's to the D. of Shrewsbury : But to be more fully satisfied what their own Apprehensions were, and what they themselves thought would be the Consequence of such Proceedings ; the Committee takes Notice of two Letters, written upon this Subject, by Ld. Bolingbroke to Mr. Prior ; one of January 19th, the other of the 22d, O. S. In the first his Lordship says, ‘ We stand indeed upon the Brink of a Precipice, but the French stand there too : Pray tell Mons. de Torcy from me, that he may get Robin and Harry hanged ; but Affairs will soon run back into so much Confusion, that he will wish Us alive again. To speak seriously, unless the Q. can talk of her Interests as determined with France ; and unless Your Court will keep Our Allies in the Wrong, as they are sufficiently at this time, I foresee inextricable Difficulties. My Scheme is this : Let France satisfie the Q. and let the Q. immediately declare to Her Parliament, and in the Congress, That she is ready to sign ; at the same time let the French Plenipo's show a Disposition to conclude with all the Allies. And then his Lordship enumerates the several Offers which he would have France make to the several Allies : which, tho' very general and insufficient, his Lordship says, if such Overtures as these (made to the Allies) were not instantly accepted , Our Separate Peace would, sitting the Parliament, be address'd for, made, and approved ; and the Cause of France for once become popular in Britain. If they were accepted, let Mons. de Torcy sit down and consider what a Bargain would be made for France ; let him remember his Journey to the Hague, and compare the Plans of 1709, and 1712. Mons. de Torcy has a Confidence in you : Make use of it once for all upon this Occasion, and convince him thoroughly, that we must give a different turn to our Parliament and our People, according to their Resolution at this Crisis. The next Letter is of the same Strain : ‘ We are now, says his Lordship, at the true Crisis of our Disease, we Die at once, or Recover at once, let France depart from that shameful Expedient by which they thought to bubble us out of the Advantages which they had solemnly yielded, and all is well, otherwise, by God, both they and we are undone. Pray send Barton back as fast as possible ; the Q. can neither delay the meeting of Parliament longer than the 3d. nor speak to the Houses

' Houses till we hear from you. My Compliments to Mons.
 ' de Torcy : Let him know, that if they do not agree with
 ' the Q. I may perhaps be a Refugee ; If I am, I promise be-
 ' fore hand, to behave my self better in France, than the
 ' French Refugees do here. Make the French ashame'd of
 ' their sneaking Chicane ; by Heaven, they treat like Pedlars,
 ' or, which is worse, like Attorneys.

Tho' all these publick Transactions pass'd through the Hands of Ld. Bolingbroke, it appears that he was not the only Person in the Secret ; but that a greater Influence chiefly directed and governed all these Councils ; And that the Ld. Treasurer, as in the great Affair of Tournay, was in this Transaction the chief Conductor, as may very reasonably be concluded by several Letters that Mr. Prior wrote about this Time to my Lord Treasurer, altho' Mr. Prior has not thought fit to produce one Letter from his Lordship, to him. Mr. Prior's Dispatch to the Secretary's Office, giving a full Account of the present State of the Treaty, with several Papers concerning Commerce and North America, is dated December the 28th, 1712. N. S. The Day after, December the 29th, N. S. Mr. Prior writes to my Ld. Treasurer, and tells him, *I have wrote a Book instead of a Letter, to my Lord Bolingbroke, which I desire your Lordship would be pleased to run over, that knowing what I have done here, you may Honour me with your Commands as to what I am to do.* He hopes his Proposal about Newfoundland, which he sends his Lordship enclos'd, is such as may terminate that Affair to our Advantage. *If your Lordship is of the same Opinion, I shall have entire Satisfaction.* January the 8th, 1712 : 3. N. S. Mr. Prior writes again to my Ld. Treasurer, that he had been in Conference with the French Ministers to adjust the Points undecided ; that he had sent Ld. Bolingbroke the Result of those Conferences, and says, *I hope the whole Affair of Newfoundland is adjusted to your desire ; there were some Points insisted upon by our Plenipotentiaries which the Ministers here thought very unreasonable, and to say a Truth to my Ld. Treasurer plainly, which I a little mitigate to my Lord Bolingbroke, I think not very reasonable.* He then gives an Account that Mons. de Torcy was surpriz'd, that the Dutch had but in Part comply'd with what Lord Strafford declar'd to them to be Her Majesty's Resolutions to which he hopes the Q. will send such an Answer as may cut off all Delays ; and upon this Occasion Mr. Prior says to my Ld. Treasurer, *This I only write to your Ldship,*

Ldship, it being a thing that shiould not be canvas'd in Council ; and I have promis'd that the King shoule have Her Majesty's Answer upon it, as he desires.' January the 19th, 1712-13. N. S. Mr. Prior writes again to the Lord Treasurer ; acquaints him, ' That the Duke of Shrewsbury now sends to Ld. Bolingbroke the Substance of their last Conferences with Mons. de Torcy, upon the Subject of Newfoundland ; to which I take Leave to add ; That your Friend Torcy is in the last Concern to find the Duke's Instructions so strict, in a Point which cannot be given up by France, at a Time when we well hop'd that Difference was adjusted. Pray , my Lord, let us have your distinct and positive Orders hereupon by the first. Duke of Shrewsbury desires that we may have your Orders to finish. I believe Torcy writes himself to you.' January the 23d, 1712-13. N. S. Mr. Prior writes once more to the Ld. Treasurer, and tells him, ' I have already wrote so amply to your Ldship, on the two great Points of Newfoundland, and the Tariff of 1664, and expect so daily your last Orders upon those two Points, that I will not trouble you at present further than to say, if these two are settled, the Peace may be determined here to Morrow, and sent the next Day to Utrecht to be sign'd.' ' And on the 2d of February 1712-13. Mr. Prior says to the Treasurer ; ' If I desire you to write to me, it is because I really think it for the Queen's Service ; that in this great Post where you have put me, I may say, I have the immediate Commands of my Lord Treasurer ; and in regard to that Friendship with which you have so publickly honour'd me, and which, by the By, does all the busines\$ here.' And on February the 4th, ' I shall direct my self as you shall be pleas'd to instruct me privately.' If the Committee had found among the Papers delivered by Mr. Prior, the Ld. Treasurer's Answers to these Letters, it would have appear'd, how far the giving up the Fishery of Newfoundland, and the accepting of the 9th Article of the Treaty of Commerce, was owing to his Lordship's immediate Orders. It seems, however, to be a very extraordinary Proceeding, that the Queen's Ministers in France, acting by Authority, and under Her Instructions, should apply to my Ld. Treasurer, for his distinct and positive Orders to release them from the Queen's Instructions,

ons ; because they are thought by the French Ministers to be too strict ; and if it be a Doubt, by whose Order or Advice it was procur'd, so much is certain, that these Applications had their desired Effect ; and the Newfoundland Fishery was given up ; and the Advantages we were to receive from buying treated upon the Foot of *Gens amicissima*, were all bury'd in that destructive Article, of the 9th Article of the Treaty of Commerce.

The Dispute raised at Utrecht had been so order'd, that the Ministers of the Allies could not obtain any Conferences with those of France, till the Points in Difference were adjusted between England and France ; by which Means it was February 1712-13 before the Dutch and French were suffered to meet : And it being now the Busiuels of France to conclude with England separately, the Temper the French Plenipotentiaries appear'd in, made all Business so impracticable, that the British Plenipotentiaries were under a Necessity of complaining of it to Ld. Bolingbroke, and to acquaint him, February the 3d, 1712-13. ‘ The French appear so very uncomplying in every Point debated, and so very forward and positive in their Refusal of a great many things, which the Dutch took to be granted and settled, as well by Her Majesty's Speech, as the Declarations lately made by Lord Strafford, that the Disappointment they met with, put them in the greatest Consternation : Reason was also given to us to participate in these Discontents, and to regard several things which appear contrary to what Her Majesty has declared, as very unfair ; yet all that could be said prevail'd not.

The Committee is not surpriz'd, that the Instances of their Excellencies had so little effect with the French Plenipotentiaries, who then expected that Orders should be sent to the British Plenipotentiaries immediately to sign a separate Peace, which according to their Expectations, were sent Feb. 20. 1712-13. by Mr. St. John, Brother to the Ld. Bolingbroke, to Conclude and Sign with France as soon as the D. of Shrewsbury should send them Advice that the Propositions he was to make at the French Court were accepted ; and on the 28th Ld. Bolingbroke with the utmost Joy acquaints their Excellencies ; ‘ That he had received from the D. of Shrewsbury the expected Returns ; He had therefore dispatch'd

patch'd a Courier to them, to renew those Instructions which he hoped were clearly enough signify'd in those Papers which his Brother carried. He acquaints them that the D. of Shrewsbury had declar'd; that their Ldships had Orders, in Case the French comply'd, as they now actually have done, to sign Her Majesty's Peace with France without further Delay; and that Her Majesty would open the Parliament, by telling them, *She had made a Peace with France.* The latter She will Her self perform on Tuesday; and the former, it is Her positive Command that your Lordships make good as fast as the necessary Forms of preparing and executing the Instruments will allow. And his Lordship gives their Excellencies positive Orders, without any Delay to execute the Treaties of Peace and Commerce between Great Britain and France. On the 7th, and 20th of March, O. S. Lord Bolingbroke repeats these positive Orders, and insists, that the Peace should be concluded with that Precipitation which Her Majesty would have us'd. And it is observable, that among all the Demands that were made, upon Account of any Prince or Potentate, none, at this Time, met with the least Regard; when, at the same time, the Interest of the Princess Ursini was espous'd in the strongest Terms: And in the same Letter, March 3. O S. where his Ldship, speaking of the Consequence of the Restoration of the Elector of Bavaria to his Electorate, says; 'Her Majesty does not much enter into the Notion of the Degradation of Hanover, as a Matter of any Importance.' His Lordship declares, 'That the Principality in some Part of the Spanish Netherlands; with a Revenue of 30000 Crowns demanded for the Princess Ursini, must be made to the Emperor, and all Parties concern'd, a Condition *sine qua non*, of the General Peace.

But the Brit. Plenipo's, who were to sign, had some Difficulties; and acquaint Ld. B-ke; *We could say a great deal to justify our cautious Proceedings with the Fren.* and are satisfy'd, that Your Lp. would be of the same Opinion, if you were to see their Way of negotiating with all the Allies, and how hard it is for us to obtain here what to Your Lp. seems impossible the French should make any difficulty to grant.

The repeated Orders to the Plenipo's prevail'd at last so far upon them, as to acquaint the Allies, the Q. found it necessary to conclude her own Peace without Delay; and that Time should be allow'd those that were not ready: But they still avoided the actual Signing till the rest of the All-s, whose Treaties were in a Forwardness, were ready to sign with them; and, to justify themselves, they acquaint the D. of Shrewsbry, that, besides other Considerations, their chief Objection was, that tho' they had Orders to sign a Particular Peace, yet their full Powers under the Great Seal, only authoriz'd them to negotiate, agree, and conclude the Conditions of a Good and General Peace, agreeable to the Interests of all, and each of the Allies. And what made them more averse, was the great Importunity with which the French push'd them to sign separately. ' We are, say they, surpriz'd at the Eagerness of the Fren. Ministers to have us conclude alone, when so many of the All-s are, in a manner, ready to join with us; nor can we enough apprehend the Consequences at home of doing it alone.

Hereupon Ld. Boling-ke, who says, ' He has not Sagacity enough to find the Objections that the Plenipo's had made to their First Full Powers, for their Satisfaction, sends them a New Commission, and repeats to them positive Orders to sign and conclude with France for which purpose ' they were to appoint a Day to desire them to be ready, and at the same time to press such as could not be ready by that Day, to fix some other on which they will sign. ' By this new Commission, His Lordship tells them, they have a Power, as before, tractandi convenienti; the Conditions of a Good and General Peace, which is no more than you are to do, when you are to offer, jointly with the Ministers of Fran. a general Plan to the All-s. These Difficulties of the Plenipo's made the Ld. Treas. who never fail'd to exert himself when he found it absolutely necessary, think it high Time to interpose his Authority; and accordingly, Mar. 31. N. S. he wrote to My Ld. Str-d in this manner: ' I must felicitate Your Excellency upon the Success of all your Zeal, and the true Love you have shewn to your Q. your Country, and Repose of all Europe. The remaining Danger is, lest we should suffer Shipwreck in the Sight of the Port. The Nation here are 500 to 1 for Peace. The Warriors are driven from their Outworks; the last Retrenchment they have is Delay; and

and I must say, this operates much here. The Ferment begins to work, and it will be impossible to answer for the Turn the House of Commons will take, if these Delays provoke them further. They all feel how many 100000 l. this needless Protraction costs them. We now maintain 49000 effective Men by Land, and 30000, within a Trifle, by Sea. In the mean Time, the Merchants lye off, and will not come into Port; the Amusement of Stories invented by the Faction, and the Correspondence and Encouragement that Party gives to their Friends to hold out, and to wait for some unhappy Accident that may unravel all which is done: Add to this, the Ill Humour which will grow in Members, by being kept so long in Town idle; and, in one Word, all that has been unsettled for many Days, is not worth one Day's Charge Eng'd is at extraordinarily, by this Delay. I find this seems to be the prevailing universal Opinion here, and that Fran. has acquitted her self; the only Stop is now at Utrecht. But this Stop did not remain long; and as His Ldp. never yet appeared in vain, all further Obstructions at Utrecht were after this soon removed. April 12, 1713, the Treaties of Peace and Commerce between Gr. Br. and Fran. were sign'd between Two and Three in the Afternoon. This Example was follow'd by several of the Allies: And last of all, when it was in vain to hold out any longer, the Dutch about Midnight sign'd their Treaties of Peace and Commerce; and the Emperor and Empire alone, chose rather to bear the Weight of the War, than submit to such disadvantageous and dishonourable Terms as had been car'd out for them by England and France.

The Committee observe that the Q's Plenipo's suffer'd a Clause to be inserted at the End of the 15th Article of the Peace with Spain, whereby they gave a Pretence to the Spids to claim a Right to fish at Newfoundland, contrary to the 7th and 8th Art. of the Treaty made with that Crown by Sir Wm. Godolphin, 8-18 Jul. 1670, whereby it is agreed, That the K. of Gr. Br. his Heirs and Successors, shall enjoy for ever, with plenary Right of Sovereignty, &c. all those Lands and Places whatsoever, being or situated in the West Ind. or in any Part of America which the said K. of G. Br. and his Subjects, do at present hold and possess. And that the Subjects and Inhabitants, Merchants of the Kingdoms, &c.

and Dominions of each Confederate respectively, shall forbear to sail and trade in the Ports and Havens which have Fortifications, Magazines, or Ware-houses, and in all other Places whatsoever, possess'd by the other Party in the W. Ind. &c. The Board of Trade being consulted on the Span-ds claiming a Right to fish at Newfoundland, being returned the following Answer to Ld. Dartm-th, dat. June 13, 1712-13. We have considered the Extract of a Memorial from the Marquis de Monteleon, relating to a Claim of the Inhabitants of Guipuscoa, to fish on the Coast of Newfoundland; and thereupon take Leave to inform Your Lp. that we have discours'd with such Persons as are able to give us Information in that Matter; and we find that some Sp-ds are come hither with Passes from Her Maj, and others may have fish'd there privately; but never any, that we can learn, did do it as of Right belonging to them. By the Act to encourage the Trade to Newfoundland, pass'd in the 10th and 11th Years of His Late Maj. when we were in Amity and Alliance with Sp-n, it is declar'd and enacted, That no Alien or Stranger whatsoever, not residing within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, shall at any time hereafter take bait, or use any Sort of Trade, or Fishing whatsoever, in Newfoundland, or in any of the Islands adjacent: Pursuant to which Act, Instructions have been given every Year to the Commodores of the Convoys, to prevent Foreigners coming thither. The Committee are at a Loss to account for the Reasons that prevail'd with the Ministry to admit the Insertion of this Article; and upon this Occasion acquaint the House, that they find very few Footsteps remaining of the whole Transaction, relating to Commerce with Sp-n. That the Management of it was entrusted with Mr. Gillingham, an Irish Papist, who was sent thither for that Purpose; for which Reason L. Lexington, in his Letters to Ld. Dartmouth, frequently excuses himself for not writing upon that Subject, Mr. Gillingham giving such full Accounts of the Matter; notwithstanding which, no one Letter from Mr. Gillingham to the Secretaries Office can be found; and the Committee are induc'd to believe, that this whole Transaction was carry'd on by another Way.

From this Passage it appears evident to the Committee, that a Correspondence was carry'd on between the E. of Oxford and

and Mr. Gillingham, in relation to our Treaty of Commerce with Spain. But for want of the Papers which pass'd between them upon this Subject, the Committee is likewise at a Loss to find what Motives could induce the British Ministry to admit so essential an Alteration of the Treaty of Commerce, sign'd by the Queen's Plenipotentiaries, as is made by the *Three Explanatory Articles*, as they are call'd, which are added to the said Treaty, and are, in an unprecedented Manner, inserted in the Ratification of it; notwithstanding it doth not appear, they had ever been consented to, much less sign'd by any of the Queen's Plenipotentiaries. Amongst other very material Disadvantages to which these Articles subject our Merchants, the Committee is inform'd, that, by Virtue of them, Spain does actually at this Time demand of our Merchants Fourteen per Cent. on Account of *Cientos, Millones, and Alcavadas*, over and above Fifteen per Cent. which they exact for other Duties, which added to them, amount to Twenty Nine per Cent. whereas, 'tis notorious, that, during the Reign of K. Char. II. of Spain, the whole Duties exacted, and paid by our Merchants for all Goods imported to the several Ports of Spain, computed by an Avarage, did never exceed Ten per Cent. but rather fell short of it. By what Management these Articles were ratified, and how legal and warrantable it was to affix the Great Seal to Articles so pernicious in their Contents, and so irregularly offer'd, the Committee submit to the Consideration of the House.

The Committee having thus gone through the chief Transactions relating to the Negotiations of Peace and Commerce, proceed to offer to the House what they have found material in the Papers referr'd to them concerning the Catalans. In the first Place, they observe, that after several unsuccessful Attempts by the Way of Portugal, and the Design upon Cadiz, to settle K. Char. on the Throne of Spain; and that the Confederate Fleet had appear'd before Barcelona in 1704, without the desir'd Succes; Her Maj. in the Beginning of the Year 1705, sent Mr. Crowe as Her Minister to Genoa, with private Instructions, 'to treat with the Catalans, or any other People of Spain, about their coming into the Interest of Char. III. of Spain, and joining with Her Maj. and Her Allies. For that Purpose he is to inform himself, what Number of Forces they will raise,

' raise, and what they expect shall be sent to assist them : If
 ' any of the Nobility insist upon a Sum of Money to be
 ' advanc'd to them, he must assure them, he does not doubt
 ' but he shall be impower'd to remit to them whatsoever is
 ' necessary and reasonable for their Support, as soon as
 ' they are actually in the Field : That he shall give the
 ' Catalans, or other Spaniards, Assurances of Her Majesty's
 ' utmost Endeavours to procure the Establishment of all such
 ' Rights and Immunities as they have formerly enjoy'd un-
 ' der the House of Austria : That She has, for their fur-
 ' ther Satisfaction, sent to K. Char. III. for Powers for con-
 ' firning the same to them ; and that she is willing if they
 ' insist on it, to give Her Guaranty that it shall be done.
 Mr. Crowe had also a Commission of the same Date with
 his Instructions, to treat with the Catalans upon the Terms
 before mentioned, upon this express Condition on their Side,
 That they should acknowledge, and receive K. Char. as lawful
 K. of Spain, and utterly renounce the House of Bourbon. He
 had with this, credential Letters, sign'd by the Queen, di-
 rected to the Nobility, Magistrates, and all Officers Civil
 and Military, of Catalonia, desiring them to depend upon the
 Promises he should make them in Her Name. The E. of Pe-
 terborow, and Sir Cloudeley Shovel, by their Instructions, dated
 May 1. 1705, were likewise order'd to use their Endeavours
 to induce the Catalans to join with them in their Undertakings,
 and to animate that People to prosecute their Liberty with more
 Vigour ; to assure them of the Queen's Support, and to promise
 them in Her Name, that she will secure them a Confirmation of
 their Rights and Priveleges from the K. of Spain, that they may
 be settled on a lasting Foundation to them and their Posterities ;
 But they are order'd in Case the Catalans make no suitable
 Return to these kind Offers, to annoy the Towns on the Coast of
 Spain, and to reduce them by force. Moreover, a Declaration
 was drawn here, and deliver'd by Mr. Secretary Harley to
 the E. of Peterborow, full of Assurances in the Queen's Name,
 of Support, and of their Liberties on the one Hand, and
 Threats on the other ; which Declaration his Ldship, did ac-
 cordingly publish. The Success of that Expedition needs
 not be here particularly mention'd. K. Char. in his Letter
 to the Queen, of Oct. 22. 1705, gives an Account of them, and
 what they were owing to, viz. - The Assurances of your Ma-
 jesty's

jeſty's generous Protection, upon which my Subjects in Catalonia expose their Lives and Fortunes. No want of Fidelity or Zeal for the Common Cause, during a long War, that abounded with extraordinary Turns of Fortune, was ever objected to these People; on the contrary, they received to the last the Applauses of the Allies, and Assurances repeated to them by every General and Minister that was sent from Gr. Britain to that Country, that they should never be abandoned. When the Queen enter'd into separate Measures of Peace, Ld. Lexington was sent Ambassador to Spain, at which time, considering the Circumstances of K. Philip's Affairs, and the Obligations he had received from the Queen, the Catalan Privileges, if plainly demanded and insisted upon, could not have been refused, and without it, could never be expected to be grant'd to a People so remarkably zealous for the Common Cause. But his Ldship's Instructions, instead of directing him to insist upon this as a Condition of the Queen's Coming into the Peace, order him only to represent to the Court of Spain, ' That it is no less for the King's Interest, than for the Queen's Honour, that a general Amnesty without Exception be granted to all Spaniards who have adhered to the House Austria, and in a particular Manner to the Catalans, with regard to their Persons, Estates, Dignities and Privileges.' These Instructions, tho' very defective, were not complied with; for Ld. Lexington, in the 11th Article of his Demands, deliver'd to the Court of Spain, upon his Arrival there, expresses himself thus; That the Queen prays His Catholick Majesty, that a general Amnesty without Exception be granted; but leaves out the Words in his Instructions with regard to their Persons, Estates, Dignities and Privileges.

The King's Answer was, ' That the General Amnesty relating to the General Peace, was not proper for the present Treaty; and therefore he left it to be then treated of; that he would make use of his great Clemency, provided the Queen would contribute to the Safety, Repose, and Interests of so many faithful Subjects, who, had followed his righteous Cause in Flanders, and Italy; and that an express Article be inserted in the Peace, wherein it shall be declared, That all Subjects who have done their Duty, by adhering to His Catholick Majesty, shall be establish'd.

' blis'h'd in their Estates and Honours of what Nature soe-
 ' ver they be, which they enjoyed when they were under
 ' his Obedience; ' Ld. Lexington transmits this Answer to
 England, which, tho' containing a direct Refusal of what
 was desired, and only general Assurances of Clemency from
 the King, on Conditions that could not possibly be expected
 to be complied with; yet his Ldship writes to Ld. Dartmouth,
 That the Article about the Catalans was agreed to; and
 thinks what they desire is but Justice: And then goes on;
 Thus, my Lord, I have finish'd my Negotiation in the best
 Manner I could, and hope it will be to Her Majesty's Satis-
 faction. No Diffatisfaction was shewn by the Ministry in
 England, either with this Manner of Negotiating, or the
 Fruitlessness of it, but he is ordered to proceed in the Business,
 both as it was an Act of Humanity, which every one to the ut-
 most of their Power ought to promote; and that the Interest of the
 K. of Spain was most nearly concern'd by that Means to get
 the Germans out of the Country. Hereupon another Memo-
 rial for an Amnesty is presented, the Motive us'd to induce
 the King to grant it, is his own Interest, and to remove
 the Germans, without any Notice taken of the Queen's Ho-
 nour being concern'd in the Affair.

The King answer'd, ' That the Catalans had deserved
 little from him; that they were now reduc'd to a small
 Extent of Ground, by the with-drawing of the Troops
 of Britain and Portugal; that his Troops, and those of the
 King his Grand-Father, was entring into their Country
 by Three several Ways; therefore more in Compliance
 to the Queen, than for the Arguments that had been offer'd,
 he was willing to grant his Pardon to those Catalans, who
 acknowledging his Clemency, and repenting them of
 their Error, should submit to his Dominion and Vassalage,
 within a Time to be prefix'd.' Count Zinzendorf, in the
 Project for Evacuating Catalonia, insisted upon the preserving
 the People their Privileges: But the K. of Spain refus'd it,
 and would only grant them an Amnesty. Ld. Dartmouth,
 in his Letter to the Marquis de Monteleone, and Ld. Lex-
 ington, says, He cannot express the Queen's Surprize, to hear,
 that the Privileges of the Catalans were not intended to be
 preserved to them by the Court of Spain; that those Privi-
 leges were necessarily included in the Meaning of a General
 Amnesty

Amnesty already granted ; and this was an Affair wherein the Queen's Honour was extremely concern'd, and that she was oblig'd by Motives of Conscience not to depart from it.' Ld. Lexington is hereupon order'd to insist again upon it, in the strongest Manner that when the K. of Spain is convinc'd of her Majesty's Steadiness, and the Firmness of her Resolution to adhere to this Demand, no doubt he will yield to what has been so solemnly promis'd, and is in it self so reasonable. That the Marquis de Monteleone, being restrain'd by his Instructions from treating upon this Point, the Negotiating of it must entirely lie upon Lord Lexington. Accordingly his Ldship presents another Memorial for a general Amnesty, with the Confirmation of all their Privileges. ' The Amnesty, he says, was granted, but the Privileges entirely refused, and in such a positive Stile, as he never met with, but in demanding a Tract of Ground about Gibraltar.' In another Letter, speaking of the many denials he met with in Spain, he says, ' Things are not here upon the same Foot as they were before the Suspension, for the King told me these Words, We know that the Peace is as necessary for You as for Us, and that You will not break it off for a Trifle.

It may seem unaccountable how the Queen's Endeavours could fail of Success, when she declar'd her Conscience was concern'd in this Matter, and that, tho' She desired a Peace, She would not act inconsistently with Honour and Justice to obtain it. But the Committee very judiciously observe, that the first fatal Step to the Ruin of the Catalans, was the Orders sent Ld. Lexington, (contrary to his first Instructions) upon his arrival at Madrid to acknowledge Philip as King of Spain in a private Audience, before any one Article of Peace or Commerce was settled with him, which put him in a Condition of refusing this, and whatever else he should think fit. The manner how Spain gain'd this important Point appears to be as follows: Ld. Dartmouth had acquainted Mr. Prior, that Ld. Lexington was not to acknowledge Philip as King of Spain, till he had agreed to the Demands his Lordship was to make in the Queen's Name. However Ld. Dartmouth thinks it convenient the Sentiments of the French Court should be known upon this Matter as soon as possible. This Method of Proceeding with Spain was very much dislik'd in France, and Mr. Prior writes Ld. Dartmouth a very elaborate Letter,

full of Mons. Torcy's Reasons to induce our Ministry to recede from that Point, and concludes with this remarkable one. 'That the whole Treaty being Eventual, this Acknowledgment of Philip as K. of Spain, would fall as the other Points, unless the Conditions were made good, and the Peace agreed and ratified.

Hereupon L. Bolingbroke determines this Matter in Favour of Spain, by imputing the former Directions to Ld. Dartmouth's mistaking the Queen's meaning: And writes Mr. Prior Word that he was equally surpriz'd, and vexed to find by the uncouth way of explaining the Q's Sense, that Mr. Prior had been led to imagine it was intended Ld. Lexington should make any difficulty of acknowledging the K. of Spain as such. *The proceeding this way by acknowledging the King in the first place, (says his Lordship,) seems natural, civil, and unexceptionable, but any other Scheme is absurd and inconsistent with all the rest of our Proceedings;* and then concludes, *For God's sake, dear Matt, hide the Nakedness of thy Country, and give the best turn thy fertile Brain will furnish thee with, to the Blunders of thy Country-men, who are not much better Politicians than the French are Poets.* Ld. Dartmouth acquiesced, and dispatch'd Orders to Ld. Lexington, to acknowledge K. Philip, notwithstanding his former Instructions to the contrary.

Nor did the Ministers shew that Zeal for the Q's Honour as might be expected, with respect to the Catalans; but plainly gave this Matter up. Lord. Bolingbroke in his Letter to the Q's Plenipo's at Utrecht, tells them, *It is not for the Interest of England to preserve the Catalan Liberties,* and observes, *that the Catalan Privileges are the Power of the Purse and Sword; but that the Castilian Privileges, which the K. of Spain will give them (in exchange for their Catalan) are the Liberty of Trading to the West-Indies, and a Capacity of holding those beneficial Employments the K. has to bestow in America, which, says his Ldship, are of infinitely greater Value to those who intend to live in a due Subjection to Authority.* Ld. Lexington also, instead of supporting the Catalan Privileges, treated the People as Rebels, and to induce Spain to make Peace with Portugal, puts Mons. Orry in mind of the necessity Spain is in of withdrawing their Troops from Andalusia, in order to end the Rebellion of the Catalans. When the Convention

Convention was forc'd upon the Emperor for the evacuating Catalonia, the Imperial Ministers at Utrecht insisted upon the preserving by that Treaty the Privileges of Catalonia, Majorca, and Ivica; but France and her Confederates insisting that that Matter should be referred to the Peace, the Imperial Ministers at last acquiesc'd upon the Q. of Great Britain's declaring again, That she would interpose her good Offices in the most effectual Manner to obtain the Privileges of Catalonia, Majorca, and Ivica: And the French K. engag'd. at the same time, to join his Endeavours for that Purpose, Hereupon the Negotiation in Spain was kept up till our Treaty of Peace with that Crown was ripe, by which the Catalan Liberties were to be abandon'd. This Ld. Lexington sign'd, contenting himself with protesting against that Article at the same Time he sign'd it; as he had writ Word before he intended to do, and that therefore the Q. was entirely at liberty to reject it.

Notwithstanding the King of Spain's former refusal, Lord Lexington is directed to insist upon the Catalan Privileges and is again told, That the Queen thought her self oblig'd by the strongest Ties, viz. those of Honour and Conscience, to insist upon it, for a People whom the Necessity of the War had oblig'd her to draw into her Interest. His Ldship had sign'd the Treaty with Spain before these Orders to present another Memorial arrived. He thereupon acquaints the Marquis of Bedmar, that he was sorry he was oblig'd to do any thing which he knew was against the King's Sentiments, but having receiv'd express Orders, he must follow his Duty, and presents a Memorial, setting forth, That the Q. had nothing more at heart, than to obtain for the Catalans the same Privileges they formerly enjoy'd, which she thought her self oblig'd to do, by the two strongest Motives viz. Honour and Conscience, that she might not leave a Nation, which the Misfortune of War oblig'd her to draw into her Interest, in a worse Condition than she found them. That after all the Pains she had taken for procuring a solid and lasting Peace to Europe, she hop'd His Majesty would not leave Her with the Grief of having been the Occasion of the Loss of the Privileges of that People, but rather that in regard to the strict Friendship which was so near being establish'd between both their Majesties, as well as the Union so necessary to the Interests of both Nations; He would not make any Difficult

ty to grant this Favour to her Majesty, which she had so much at Heart.

The Marquis de Bedmar's Answer to this Memorial was, ' That this Point about the Catalans having been debated in the Treaty lately concluded, and sign'd in this Coart by his Excellency and himself, the King does not see that any thing further is to be done to the Matter.' This Treaty was sent to England, and ratifid by the Q^{ueen} Lord Dartmouth says that Ld. Bolingbroke had the principal share in the Negotiation, and that the Article of the Catalans was put in as soft Terms as was consistent with the Queen's Honour to allow. The Terms of the Treaty are, ' That the Catalans shall have the same Privileges as the King's best belov'd Subjects the Castilians enjoy.' When the K. of Spain had receiv'd this convincing Proof of our Ministry's Attachment to his Interests, and that the Ties of the Queen's Honour and Conscience were of no Force with them, when opposed to his Desires, he takes a further Step, and directly proposes to Ld. Lexington, that the Queen would assist him with Ships to block up Barcelona.

His Lp's Answer was, That he was afraid this Proposal would meet with this Difficulty, That Her Maj. would be very unwilling to lend her Ships to exterminate a People that had taken up Arms, in a great measure, at the Instigation of her Ministers; and that she would think she had done enough to gratify the King, in not insisting upon the preserving for them their ancient Liberties, without helping to destroy them. But the Regard the Ministry had to this Request of the K. will afterwards appear. The French Ambass. and the Pcees des Ursins proposed to Ld. Lex n, and the Night before he left Madrid, the King sent for him, and engaged him to write a Letter, concerte with, and approved by the K. to the Regency of Barcelona, advising them to submit themselves to their K. His Lp. assures them of his constant Endeavours to do the best he could for them; that God had not permitted him to do more than he had done: That if they would take their Resolution soon, before he was out of Spn, he would write for them in the manner they should desire; and concludes his Letter with New Assurances of his Concern for their Interests. To make this appear the more friendly to them, he tells them, he had entrusted the Consul at Alicant to get this Letter conveyed to them, upon some Pregeance or other; tho' a Duplicate of it was also sent to the Count

Count of Lecheraine, one of the K. of Sp-n's Generals before the Town, with Direction to have it sent in as by a Deserter, without his Knowledge. Mr. Burch, His Lp's Secretary, amongst other Reasons, gives this for the writing this Letter; That if the Catalans had a mind to accommodate, the Q. would have the Mediation; and if they had not, that then the Court of Sp n would see, that Her Maj. would be always ready to serve them. But this Artifice to induce the Catalans to abandon their Defence, in Hopes of His Lp's good Offices, had no effect upon Men determined to die for the Liberty of their Country. Nothing but Force could extort that from them; and therefore Sir Pat. Lawless, in Septemb. 1713, presents a Memorial, to the same Effect with what was proposed the Month before to Ld. Lexington in Spain; setting forth ' that the Catalans and Majorcans had not submitted themselves to the K's Obedience, and interrupted all Commerce and Correspondence in the Mediterranean, and submits it to the Consideration of the Q. not only as Guaranteee of the Treaty of Evacuation, but as it concerned the Interests of Gr. Br. and therefore His Cath. Maj. hopes the Qu. will order a Squadron of her Ships to reduce his Subjects to their Obedience, and thereby compleat the Tranquility of Spain, and of the Mediterranean Commerce. As soon as the Season of the Year would permit, a Fleet is accordingly fitted out for the Mediterranean, under the Command of sir Ja. Wishart, whose First Instructions bear date Feb. 28. and the Additional Mar. 18, 1713-14; by which he is ordered to 'inforce a strict Observance of the Treaty of Evacuation in all its Parts; upon any Complaints of the Q's Subjects, of Interruptions of Commerce, or Depredations by the Vessels of Catalonia, Majorca, Sardinia, Naples, and other Places, to demand Restitution; and in case of Refusal, to make Reprisals. To repair with the Fleet before Barcelona, then besieged by the Enemy, and demand immediate Payment of the Value of the Q's Stores in the Town, or a sufficient Security for Payment in some Reasonable Time. To take care to time his Arrival before the Town, according to the Advices from Lord Bingley, then designed to be sent to Sp-n; by the Strongest Representations to induce the Regency of Barcelona to accept of the Terms that shall be obtained for them. To take all the necessary

cessary Measures pursuant to the Q's Intentions to put an end
 to the Confusions that now reign in those Parts: And all
 proper Methods of Persuasion to induce the Inhabitants of
 Majorca to submit to the Terms that shall be offered them;
 and in Case of Refusal, to employ his Squadron in counte-
 nancing and assisting all Attempts which may be made for re-
 ducing them to a due Obedience. Here the Committee
 take notice, 1. That altho' the Q had engaged her self by
 the Treaty of Evacuation, to interpose her good Offices in the
 most effectual manner, to obtain the Catalans their Liberties,
 yet instead thereof the most effectual Methods were used to the
 contrary, and Mr. Prior acquainted Mr. Tor. that the Q.
 was assured the Catalans would submit upon the Terms before of-
 fered by the K. of Sp-n, without so much as mentioning their
 ancient Privileges any more. 2. That the French K. who had
 put himself under the same Obligation as the Qu. by the
 said Treaty, after this Account from Mr. Prior, of the Q's
 Sentiments, thought fit also not to ask for their Privileges;
 Mr. Tor. also alledging, that the K. had little Interest with
 the Court of Sp-n. 3. That Brit-n was under the same En-
 gagements by that Treaty, to support the Privileges of
 Majorca, as those of Catalonia, at the Time Sir Ja. Wishart
 had direct Orders to attack them. 4. That when these rigo-
 rous Measures were forming against the Catalans, Ld. B-ke
 writes Word to Mr. Prior, That by what we observe in the
 Catalan Agent here, of whom we have never taken the least
 notice as a Publick Man, it is pretty plain that a Reasonable
 Accommodation might be made, as he expresses it, with that
 turbulent People.' What was called Turbulency in the Ca-
 talans, may appear by their Answer to the D. of Popoli; the
 K. of Spain's General, who summoned them to surrender.
 They told him, they would die rather than be Slaves; but if
 their antient Liberties were confirmed to them, they would open
 their Gates and receive him with all Gladness. The House of
 Lds express'd their Concern in a publick Manner for the
 Miseries of the Catalans, and by their Address to the Q.
 April 3, 1714. made it their most humble and earnest Re-
 quest to her Majesty, 'That She would be graciously pleas'd
 to continue her interposition in the most pressing manner, that
 the Catalans may have the full Enjoyment of their just and
 ancient Privileges continued to them.' Her Majesty's An-
 swer

swyer was, ‘ That at the time she concluded her Peace with Spain, she resolved to use her Interposition upon every occasion for obtaining those Liberties, and to prevent, if possible, the Misfortunes to which that People are exposed by the Conduct of those more nearly concerned to help them’ Hereupon, for Form sake, and to allay the Indignation conceived against the Ministry by the People in general, who compassionated the Calamities of those who fought for Liberty, the Demand of the *Catalan* Privileges is again put down in Ld. Bingley’s Instructions, who was before ordered to go *Spain*, but was never sent. So that the only Favour obtained from the Ministry by this earnest Address of the House of Lds, in behalf of the *Catalans*, was an intimation sent by Ld. Bolingbroke to the Admiral, not to appear before *Barcelona*, nor to attack the *Majorcans*, till he should hear from Ld. Bingley, and receive Directions from *England*. And also a Letter from his Lordship to Mr: Grimaldo, above two Months after the Address, tho’ the Town was invested at the Time of making it, wherein he makes a kind and friendly Complaint, as he terms it, that the *Catalan* Privileges had not been yet granted them, nor any reasonable Terms offered, which they must either have accepted, or forfeited the Queen’s Compassion, and that of the whole World. The Admiral had also his Scruples, whether his Orders would justifie him in attacking *Barcelona*. He therefore writes to Ld. Bolingbroke and Ld. Bingley upon it, and submits it to Ld. Bingley’s Consideration. ‘ whether the *Catalans* might not refuse Conditions that may be most advantagious, if they find he is not to act by Force ; and desires that his Orders to act before *Barcelona*, either by Force or otherwise, may be very plain and clear, assuring him that he will most punctually obey those already given him, and such as he shall hereafter receive.’ When Sir James Wishart arrived at *Cadiz*, he gave the Governour a List of the Ships under his Command for the Mediterranean Service, who sent it immediately to *Madrid*; but tho’ several Messages came from Court to the Governour during the Admiral’s stay there, no one Compliment was made him, to signifie his Arrival was welcome, or any Question asked, about what Services he was to perform, which a little surprized him; that as soon as they had an Account at *Madrid*, of his Arrival at *Cadiz*,

Mr.

Mr. Orry was dispatch'd to *Catalonia* with full Power to treat with the *Catalans*; ' so that, says he, it would appear, ' that tho' the K. of *Spain* has all the Advantage of the Q's, ' Ships as much as if they were actually before *Barcelona*, by representing to those People, which they very well know, ' our Arrival in these Parts, and how far we are on our way ' to the *Mediterranean*, yet the K. would not seem to owe ' the Success of such Agreement to the Q. and her Ships, but ' to *France* only.' But this Negotiation of Mr. Orry failing of Success, by the *Catalans* refusing to submit without having their Liberties granted them, obliged the Court of *Spain* to take more Notice than otherwise they were inclined to do of the Admiral, who from *Alicant* writes to Ld. *Bingley*, then expected at *Madrid*, ' That he had received a very civil Letter from Mr. *Grimaldo*, who sent him the King's Order for exempting the Provisions for the Fleet from paying any Duty. ' He tells Him, That this Exception was usually granted to the Admiral himself that commanded, but being a Trifle, he submits it to his Ldship's better Judgment, whether the granting him this, might not be a means to prevent any Thing that might be intended by the Court, at *Madrid* more to his Advantage, and leaves it to his Ldship's Consideration what may be most for his Interest at that Place; and hopes by his Friendship to find some Marks of Favour from thence, in regard to his Expence in this Expedition, so much intended for their Service, and for which he has no Allowance from home but his Pay, which will not defray half his Charges.' In another Letter of Sir *James Wishart* to Ld. *Bingley*, he acquaints his Ldship, ' That tho' he had formerly desired him to move the King of *Spain*, that the Grant of Exemption of Duties for Provisions for the Fleet might be made to himself, yet upon farther Consideration of the Matter, which is but of small Moment, and may appear greater at the Court of *Spain* and *England* than really it is, he desires his Excellency, not to take any Notice of it, but let it stand as it does; and desires his Excellency's Countenance and Assistance upon any other Occasion that the Court of *Madrid* might take to express their good Will to him.' Nor was it long before the Admiral gave the Court of *Spain* more particular Proofs that he was not unworthy of their expected Favours. After *Barcelona* had been

been invested a considerable Time by the Spaniards, and reduced to great Difficulties for want of Provisions, the French King, tho' engaged with the Queen by the Treaty of Evacuation, to employ his good Offices in the most effectual manner, in favour of the Catalan Liberties, thought fit to send his Troops against them, commanded by Marshal Berwick, who opened the Trenches before Barcelona the first of July, O. S. 1714. And on the Eighth of the same Month, Sir James Wishart, in the Queen's Name, writ them a threatening Letter, directed to the Deputies, and others who possess'd the Government there, telling them that Complaints had been made of their disturbing the Commerce of the Queen's Subjects, and that they had insolently presumed to take, carry up, and plunder their Ships, and used the Men in a barbarous manner; he had therefore thought fit to send Captain Gordon with two Men of War, to represent to them these unwarrantable and presumptuous Proceedings, and by the Queen's Command demands immediate Satisfaction for the same, and the Punishment of the Officers of the Ships with the utmost Severity. If this be not punctually complied with, he leaves it to themselves to judge what the consequences may be.

The Deputies returned Answer, that only one of those Vessels mentioned in Captain Gordon's Memorial, was taken by them into Barcelona, being laden with Salt, for which they paid the Price immediately to the Captain of it; that being besieged, they thought they might do so with Justice, and by the Law of Nations; that they were far from living like Pirates, as their Enemies suggested in order to distress them, by preventing any ones coming with Provisions for their Relief; that what English Vessels had entered their Port with Provisions, had been well treated, and had freely sold their Merchandise, and at a higher Price than they could have got any where else; and that they had that Day published an Order, forbidding upon Pain of Death any of their Ships to molest any English, even tho' they were going with Provision to the Enemy. They hope his Excellency will be satisfied with their Conduct, which is conformable to the Rights of People that are besieged; assuring him, that when they shall know of any of their Ships, that shall have caused the least Damage to any English, they will not only immediately inflict a rigorous Punishment, but repair all the Damage, desiring to live in the good Correspondence they have had with his noble

and generous Nation, with utmost Deference for the Queen, and ready to obey his Excellencies Orders with all Affection and Respect. The Government of *Barcelona*, in their Extremity writ another Letter to the Admiral, dated July 23, setting forth, ‘ That the Engagement *Catalonia* entred into to receive *Charles* the Third for their King, was founded on the Protection of the High Allies, but most particularly of *England*; That they had for seven Years endeavoured to serve the *English* Nation in every Thing it was possible for them to do, by contributing Troops and considerable Sums of Money without Interest. And tho’ they had pleased themselves with the Thoughts of the Happiness to be always Subjects of *Charles* III. yet by the ordinary Change to which Human Affairs are liable, they now see the Troops of the Duke of *Anjou*, aided by the *French*, Masters of all the Principality except *Barcelona* and *Cardona*, committing through the whole the most execrable Hostilities, Burnings and Plunderings, without sparing the Effusion of innocent Blood, and without Distinction of Age or Sex. That for a Year together the Enemies Army had oppressed *Barcelona* by Sea and Land, making them continually suffer the Calamity of so long a Blockade; during which Time the Enemies have thrown 14 Thousand Bombs into the Town, which have ruined the greatest part of the Houses; that now they expect to be attacked in Form; They cannot express their Affliction, to see the Danger of the Inhabitants exposed to be the Victims of that Cruelty with which the Enemy threatens to treat them. Having no Comfort left, they fly to the Queen of *Great Britain*, beseeching Her Protection by the inclosed Letter to *Don Dalmases*, their Envoy at *London*; and in the mean Time, till an Answer can come, they beseech his Excellency from their Souls to mediate with the *French* Troops who oppresst them, for a Suspension of Arms, since the Congress at *Baden* now sitting to conclude of a General Peace, may still determine this Affair; they doubt not that his Mediation will be able to procure them this Relief, since his Squadron is superior to that of the Enemy. They see no other Remedy in Nature for their Misfortunes, and therefore hope his Excellency will not refuse them; That if *Catalonia* has merited any Thing by its Services, and by its Conjunction with the *English* Nation, this is

is the Time to receive the Fruits of it; that it is worthy
of his Excellency to comfort the Afflicted, and not to de-
ny them this Favour in their great Necessity.

How the Admiral was affected with this Letter may appear by one of his to Ld. Bingley, dat. Aug. 7. wherein he acquaints him, That Mr. Grimaldo had signified to him from the K. of Spn, that all the K's Ships of War being employ'd before Barcelona, His Majesty could not send any of them to meet his Flota then coming home; and therefore desired the Admiral to send Three of his upon that Service, which was accordingly comply'd with. Of this he had acquainted Ld. B-ke, and hoped to meet with Her Majesty's Approbation. The Catalans thus abandon'd, and given up to their Enemies, contrary to Faith and Honour, were not however wanting in their own Defence, but appealing to Heaven, and hanging up at the High Altar the Q's solemn Declaration to protect them, underwent the utmost Miseries of a Siege; during which, what Multitudes perished by Famine and the Sword? How many have since been executed? And how many Persons of Figure are still dispersed about the Span. Dominions in Dungeons, is too well known. However the Calamities of the Catalans cannot be imputed to Gr. Br. in general, abused by the Minitry, with repeated Assurances, that every thing was doing for the Preservation of that unfortunate People.

The Committee find frequent Mention made of the Abbot Gaultier, who, altho' he does not appear to have had any publick Character, resided in England during the greatest part of this Negotiation, and, upon extraordinary Occasions, was very often sent backward and forward. But the Share he had in the more publick Transactions, was not his only Business. It is evident, that some Negotiations, which requir'd more than ordinary Privacy, were verbally transacted, and upon all such Occasions, Abbot Gaultier was the Person to whom the French and Eng sh Ministers mutually referr'd each other. And as nothing could be a greater Secret than all Matters relating to the Pretender, this Province was particularly allotted to Abbot Gaultier, that thro' his Hands, and under his Conveyance, by French Couriers going continually betwixt Fra. and Eng d, such Practices might be carry'd on with great Safety, which in any other manner had been too dangerous an Undertaking. The first Time that any Secret Negotiation is expressly referr'd to Abbot Gaultier, is found in a Letter,

where Mr. St. John, Mar. 4. 1711-12, tells Mr. Torcy, He had deferr'd writing to him of late, till the necessary Dispositions were made among our People at home, and till the Q. had taken the only Resolution which could bring us in a short Time to a good and solid Peace. I have now the Satisfaction to tell you, that this Resolution is taken, and that Mr. Harley will carry with him this Night, or to Morrow Morning, the Final Instructions of the Q. to her Plenipo's. I refer my self to Mr. Gaultier, to explain to you more at large the Subject of this Gentleman's Commission, and what the Q. hopes His Most Chr. Maj. will do to co-operate with her. It is not to be expected, that those who have been so careful to suppress Matters of less Importance, would leave behind them any Transactions that might tend directly to favour the Cause of the Pretender. But as the Commit. has observ'd several Passages which are a plain Indication of the Regard with which the Cause and Person of the Pretender were treated, as often as mention'd, they thought fit to bring them together, and lay them before the House in one View. There is a Paper that was left in Ld. B-ke's Closet, dated at Versailles, Sept. 24, 1711, endors'd, as other Office-Papers usually are. It gives an Account that the Pope's Nuncio had in his Last Audience of the K. made the following Declaration : *The Court of Rome being fully inform'd, that Fran. was endeavouring to procure a Peace upon the most Advantageous Terms that was possible, and being persuaded, that if the Peace should be made, Engl-d would not suffer that the K. of France should permit the P. of Wales to continue in his Realms ; the Court of Rome offers to the K. of France to give this Pr. an Azylum at Rome, or in any other Part of the Ecclesiastick Dominions.* To which the Ki. of France return'd in Answer, That an Azylum for the P. of Wa. would be no Obstacle to the Peace. That if the Allies did truly design to make a Peace, he would accept of any Reasonable Propositions they should make ; and in this Case an Article for the P. of Wa. would be inscribed in the Treaty. June 7, 1712, the Bp. of Bristol giving an Account to Ld B-ke of some Discourse he had with some of the Ministers of the All's, says, Monsr. Consbruck, one of the Emperor's Plenipo's, kept also within the Terms of Decency, save only that he took it for granted, that one great End of all this Management on our Part, was to bring in the Pretender ; which Apprehension one of the Ministers of the States lately own'd

own'd in Private Discourse, to have been the Fundamental Reason of all their Conduct of late. It cannot be forgot what great Stress and Weight was laid upon the Removal of the Pretender out of the Dominions of France. This was what all the Nation, with great Justice, expected, and what the Qu. declared was taken Care of, as an additional Security to the Protestant Succession. But his Removing out of France, and being permitted to reside in Lor-n, was not only a great Surprise to all the Nation, but was receiv'd with such just Indignation, that the Parl. address'd the Qu. upon this Occasion, That she would insist upon his Removal from Lor-n, that Residence being equally, or more dangerous to Gr. Br. than his Abode in Fr-ce. Her Maj's Answer, That she would repeat her Instances, occasion'd in the H. of Lds a becoming Resentment, that the Du. of Lor. should presume to receive and entertain the Pretender to Her Crown, in Defiance to Her Maj's Application to the contrary. But it will now appear in what manner the Removal of the Pretender out of Fr-ce was settled, and that his Residing at Lorrain was not only with the Approbation, but even by the Direction and Appointment of the Eng-sh Ministry. Mr. St. John, in his Letter to Mr. de Tor. May 24, 1712, O. S. concludes with saying, *He hopes, that, with the general Repose we shall see reviv'd in a few Weeks, a good Understanding between Two Nations, which may become to each other the most useful Friends, for the same Reasons they have been the most formidable Enemies.* The Q. commands me to tell you, that she hopes, when you send an Answer to this Letter, we shall have an Account that the Chevalier had begun his Journey. In Answer to this, Mr. de Torcy says to My Lord B-ke, You may assure the Q. that the Chevalier is ready to depart at a Moment's Warning, if he did but know where he was to go, and in what Place he might be in Safety. I own to you, that I know no Prince who is willing to receive him, for Fear of displeasing the Q. or other Powers; it will be absolutely necessary that there should be some Explanation upon this Subject, which I desire you to make to me by the Ab. Gault. if you do not judge it proper to do it your self. Mr. St. J-n, June 6, 1712, O. S. writes a Publick Letter in Answer to the several Points contain'd in Monsr. de Torcy's Last Letter; but in that Letter takes no Notice at all of the Chevalier. But the Day after, June 7, 1712, he writes a Private Letter, as he calls it him-self,

self, to Mr. de Tor. and concludes, *The Ab. Gaultier will write to you upon the Subject of the Chevalier.* The Commit. observe, there are Two Copies of this private Letter, one deliver'd by My Lord Bolke, the other enter'd in Ld. Stra-d's Book : And in the Copy of this Letter given in by Ld. Bke, this Passage, *That Abb. Gault. shall write about the Chev.* is omitted by His Ldp. June 22, 1712, N. S. Mr. de Torey writes Two Letters to My Ld. Bke. In the Publick Letter nothing is said of the Pretender ; the Private Letter concludes with saying, *I have the Honour to send you a Letter under the K's Hand, for Her Brit. Maj. and I refer you to what the Ab. Gault. shall say to you, about the Departure of the Chevalier.*

Aug. 21, 1712, Ld. Bke being then in Fr-ce, in his Dispatch to the E. of Dartm-h, says, 'The Chevalier has fix'd his Departure for the First of Next Month, N. S. they propose that he shall retire to Bar, and they intend to write to the D. of Lor. to ask of the Emp. and other Princes, a Security for his Person, during his Residence in that Place. But on the 28th of Dec. 1712, N. S. it appears, that the Chev. was still in France, upon which Account Mr. Prior writes thus to My Ld. Bolke : ' Another Point upon which this Court is very solicitous, is, that the Chev. remaining in any Town of Fr-ce obstructs the Signing the Peace ; yet he cannot go to Lor-n till the Emperor's Passe-ports will secure him there. Your Lp, by the Perusal of the Papers, will see the State of that Case ; and I have only to add upon this Subject, that the Court of Fr-ce expresses an Impossibility on their Side, to do more than they have done, and hopes we should have Interest enough with the Emperor, to obtain such Passe-ports from him, as may secure, as well the Person who is to go into Lor-n, as the D. of Lor. who is to receive him. Mr. Prior on the 29th, writes to the same Effect to My Ld. Treas. and says, *The Monarch is a good deal troubled upon this Head, lest the Young Man should fall into the Hands of the Hussars or Barbarians.* And Mr. d'Aumont has, I presume, Orders to speak to our Ministry upon it. As to the Dowry, I shall not only be dunn'd to Death, but hang'd ; for the Dowager sends Messengers to me, which you in Eng d do not think it extremely lawful to receive : But if it is to be paid, pray let it be done in a handsome manner, that may shew the Charity of the Q. and the Generosity of her Lord Treas. The Papers referr'd

ferr'd to in Mr. Prior's Letter, contain an Account of what the D. of Lorrain had done at the Desire of the K. of France, to obtain from the Allies the necessary Safeguards for the Chevalier. He says, *That understanding that the Queen of Great Britain had already granted Her Safeguard or Protection to the Chevalier de St. George, He believ'd they had no more to do, but to apply to the Emperor, and to the States-General.* By this Account it is evident, that Abbot Gualtier managed the Affairs of the Pretender, with whom such Practices were verbally to be transacted as our Ministry did not think proper to commit to Writing. That the Place to which he was to go, because no Body would receive him at the Hazard of the Queen's Displeasure, and where he might remain in Safety, was to be prescribed from England. That this was not fix'd and determin'd till Ld. Bolingbroke went into France. And if his Ldship's Instructions are consider'd, it will be hard to find in them any thing of that Importance and Secrecy, *as to require his going in Person to settle it.* His Ldship gives an Account from thence, that the Pretender was to go to Bar, and this is acquiesc'd in here without the least Objection made. The Ministry are told by Mr. Prior, that the Court of France hopes by our Interest such Passports would be procur'd as might secure his Person: And in the Paper sent to France from the D. of Lorrain, it is asserted, *That the Q. of Gr. Britain had already granted Her Protection to the Pretender.* But Nov. the 6th, 1713, Ld. Bolingbroke writes to Mr. Prior, ' Her Maj. having repeated to the D. of Lorrain the Instances which you know have been so often made to the most Chr. King, for removing of the Pretender to Her Crown out of his Dominions, I am directed to acquaint You therewith, that You may speak to the Minister of Lorrain, and to any other Minister whom you shall think proper, and let them know it is absolutely inconsistent with the Amity and good Correspondence that is between the Q. n and their Masters, to receive into their Dominions, or to protect a Person, who disputes Her Majesty's Title, and endeavours to disturb the Peace of Her Kingdoms. That you may be able to shew them that this is the Collective Sense of the whole Nation, as well as the Queen's Command to you, I herewith send you the Addresses of Both Houses of Parliament.' This can be understood as no more than

than a bare Compliance with the Addresses of Parliament. And to shew how little Resentment and Indignation was conceiv'd against the D. of *Lorrain* for this Indignity offer'd to Her Majesty, the Committee insert here a Letter wrote by Ld. *Bolingbroke* to Mr. *Prior* within Four Days after his last mention'd Letter upon the Subject of the *Pretender*.

' This Letter, says Ld. *Bolingbroke* to Mr. *Prior*, will be delivered to you by the Baron de *Forstner*, who has been twice at our Court with the Character of Envoy from the Duke of *Lorrain*, and who is extremely well with your Friends on this Side of the Water, that I make no doubt but that he will be a welcome Acquaintance to you : I must at the same Time recommend the Interest of the D. of *Lorrain* his Master to your Care. You know, Sir, how little that Prince has yet felt the good Effects of what was stipulated for him at *Ryswick*. You know, Sir, how justly he pretends to an Equivalent from this Emperor for the *Montferrat*, which was given away from him to the K. of Sicilly. In a Word, you are enough appriz'd of his Wants, of his Expectations, and of Her Majesty's earnest Desire, if by any means she can, to contribute to the Ease, and to the Advantage of a Prince, who deserves much better Usage than he has on many Occasions met with. There are several other Letters that were wrote after the Address of Parliament to press the removing of the *Pretender* from *Lorrain*; but 'tis needless to observe what little Effect was to be expected from such Representations made in the several Courts of Europe, which were known to be Contrary to the Sense and Intention of the Court of Gr. Britain. And if any further Demonstration was wanting to shew their true Spirit and Inclination, it may be observ'd that the Addresses in Parliament were made in July, 1713; . And the first Letter that Ld. *Bolingbroke* wrote in pursuance of those Addresses was the 6th of Nov. which was Four Months after the Addresses were presented to the Queen. The Committee insert here an Extract of a Memorial touching the Demolition of the Sluices of *Dunkirk*, deliver'd by Mr. de *Torcy* to Ld. *Bolingbroke* at Paris, in Aug. 1712. ' It is not our Business now to examine whether the Q--n of England, and the English Nation, were in the right to demand the Demolition of the Fortifications, and the filling up the Harbour of *Dunkirk*. That is

is a Thing resolv'd and agreed upon. It may perhaps come to pass in the Course of this Affair, for Reasons easily to be foreseen, That *England* shall repent having demanded the Demolition of a Place, and the Destruction of an Harbour, which might be of great Use in Conjunctions which perhaps are not very remote. The Committee do not take upon them to explain what *Conjunction France* had in View, and which they thought not very remote, when *Dunkirk* might be of particular Service; but think it proper to conclude this Part of the Report with observing, That the Pretender did immediately upon the Demise of the late Queen publish a Declaration, which the D. of *Lorrain* has acknowledg'd in his Letter of the 6th of Dec. 1714, that he receiv'd from the Pretender himself, wherein is this remarkable Passage, ‘ Yet contrary to our Expectations upon the Death of the Princess our Sister (of whose good Intentions towards Us We could not for some Time past well doubt; and this was the Reason we then sat still, expecting the good Effects thereof, which were unfortunately prevented by Her Deplorable Death) We found that Our People, instead of taking this favourable Opportunity of retrieving the Honour and true Interest of their Country, by doing Us and Themselves Justice, had immediately proclaim'd for their King a foreign Prince, to Our Prejudice, contrary to the Fundamental and Incontestable Laws of Hereditary Right, which their pretended Acts of Settlement can never Abrogate.

After this the Committee insert at large, a Letter from the E. of *Oxford* and *Mortimer*, to the Queen, dated June the 9th, 1714; with an Account of Publick Affairs from Aug. the 8th, 1710, to June the 8th, 1714, all written with his own Hand. The Letter is as follows :

‘ May it please Your Majesty,
 ‘ I Presume, in Obedience to Your Royal Commands, to lay before Your Majesty a State of Your Affairs. Tho’ I have very much contracted it from the Draught I made, and the Vouchers from whence it is taken; yet I find it swell under my Pen in Transcribing, being willing to put every Thing before Your Majesty in the clearest Light my poor Understanding can attain to. It was necessary to lay it before Your Majesty in the Series of Time, from the beginning to this present Time; and when that is compleatly

laid before You, it remains only for me to beg God to direct Your Majesty.

And as to my self, do with me what You please, place me either as a Figure or a Cypher, displace me or replace me, as that best serves Your Majesty's Occasions, You shall ever find me, with the utmost Devotion, and without any Reserve,

M A D A M ,

*Your most Dutiful, most Faithful, most Humble,
most Obedient Subject, and Unworthy Servant,*

OXFORD.

A Brief Account of publick Affairs since Aug. the 8th, 1710, to this present 8th of June, 1714. To which is added, The State of Affairs Abroad, as they relate to this Kingdom; with some humble Proposals for securing the future Tranquility of Her Majesty's Reign, and the Safety of Her Kingdoms.

HER Maj. on the 8th of Aug. 1710, was pleas'd to alter Her Treasury, and two Days after, in a New Commission, Rob. Harley, by Her Majesty's great Favour was made Chancellor of the Exchequer. The State of Affairs at Home and Abroad are fresh in every ones Memory.

The Condition of the Treasury at that Time was laid before Her Maj. in a large Representation: I beg leave to touch some few Heads. The Army was in the Field; no Money in the Treasury; none of the Remitters would Contract again; the Bank had refus'd to lend a Hundred Thousand Pounds to Ld. Godolphin on very good Security; the Navy, and other Branches of Service, Eleven Millions in Debt, which enhanced the Price of every Thing proportionably; the Civil List in Debt about Six Hundred Thousand Pounds, and the Yearly Income too little for the Current certain Expence, by the lowest Computation, One Hundred Twenty Four Thousand, Four Hundred Ninety Five Pounds, Two Shillings and Four Pence. In a few Days this New Commission, made Provision for paying the Army by the greatest Remittance that had ever been known: Tho' the Opposition from every Office, which was full of Persons who were Enemies to the Change made by the Q·n, was very strong, and xery troublesome and vexatious; and such was the Situation of Affairs, that nothing but great Patience could ever have overcome these Difficulties; it

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being impossible as well as unavoidable to make Removes,
 but by Degrees. As soon as it was possible, (and notwithstanding
 the clamours then raised, it was the only proper
 Time) a New Parliament is call'd. Its first meeting was
 Nov. the 27th, 1710, Rob. Harley had prepar'd the Funds
 ready (before the Parliament met, as he has done every
 Session to this Day) not only for the Current Service of
 the Year, both by Sea and Land, but also for easing the Na-
 tion of above Nine Millions of Debt. This was thought
 so Chimerical when Rob. Harley did begin to open it, that
 it was treated with Ridicule, until he shew'd how practica-
 ble it was. It is true, this gave great Reputation Abroad,
 and enabled to treat advantageously of a Peace: *It rais'd*
sinking Credit at Home, but at the same Time as it drew
 Envy upon Harley from some, and the Rage of others, so it
 gave Offence to some of his Fellow Servants, who told him
 plainly that he ought to have told his Secret, and if he
 would not get Money himself, he ought to have let his
 Friends share a Hundred Thousand Pounds, which would
 not have been felt or found out in so vast a Sum as Nine
 or Ten Millions. To this Principle was owing the setting
 on Foot at this time *the unhappy Voyage to Canada*: To all
 which Meetings Harley avoided coming, and gave Lord
 Rochester his Reasons, and after he desir'd his Ldship to be
 a Means to the Queen to hinder that Expedition; but it
 happen'd to be too late. But Ldy Masham knows how
 much Harley was concern'd at it, tho' he did not know
 the true Spring of that Voyage, which will appear after in
 this Paper. The beginning of Feb. 1710 11, there began
 to be a Division amongst those call'd Tories in the House,
 and Mr. Secretary St. John thought it convenient to be
 listing a separate Party for himself. To prevent this, Ld.
 Rochester and Harley desir'd to have a Meeting, and to
 cool such rash Attempts; and it was contriv'd Mr. Secre-
 tary St. John should invite Us to Dinner, (which was the
 last Time he ever invited Rob. Harley, being now above
 Three Years) where was D. of Shrewsbury, E. Poulet,
 Ld. Rochester, and others; and Ld. Rochester took the pains
 to calm the Spirit of Division and Ambition. Harley was
 at this time seized by a violent Fever, and on his first com-
 ing Abroad, March 8. met with a Misfortune which con-
 fin'd him many Weeks. The Transactions during that

Time are too publick, as well as too black, for *Harley* to remember or to mention. In the End of *May* 1711, the Queen, out of Her *abounded Goodness*, was pleas'd to confer undeserv'd Honours on *Rob. Harley*; and on the 29th of the same Month, was pleas'd to put the Treasurer's Staff into his Hands: A Post so much above *Harley's Abilities* to struggle with, that he had nothing but *Integrity and Duty* to recommend him to Her Majesty's Choice; so he must have recourse to Her Majesty's Transcendent Goodness and Mercy to pardon all his Faults and Failings, both of Omission and Commission, during the whole Course of his Service. But to return and resume the Thread of this Discourse: The 4th of *June* 1711, Three Days after the Treasurer was sworn, he was surpriz'd with a Demand of Twenty Eight Thousand Thirty Six Pounds and Five Shillings, for Arms and Merchandize, said to be sent to *Canada*. When the Treasurer scrupled this, Mr. Secretary *St. John*, and Mr. *Moor* came to him with much Passion upon this Affair; and about a Fortnight after, the Secretary of State signified the Queen's positive Pleasure to have that Money paid; and accordingly Her Majesty sign'd a Warrant *Inne 21.* and the Treasurer not being able then, with all his Precaution, to discover further Light, the Money was paid *July 4th* 1711. Since the Return from that Expedition, the Secret is discovered, and the Treasurer's Suspicion justified: *For the Publick was cheated of above Twenty Thousand Pounds*. There is Reason to be more particular upon this Head, because it is one of the Things never to be forgiven the Treasurer; and *Ld. Chancellor* told him more to that Purpose; that they told him no Government was worth serving, that would let them make those Advantages, and get such Jobbs.

One thing more is crav'd leave to be added, That the Treasurer was forc'd to use all his Skill and Credit to keep the House of Commons from examining this Affair last Parliament. *June* the 12th. 1712. The first Session of last Parliament ended. From this time, to the beginning of the next Session, the Treasurer's Hands were full of Negotiating the Peace in all Courts abroad; and besides the ordinary and necessary Duty of his Office at home, he had frequent Occasion of Calming the Quarrels and Grudges

Grudges Mr. Secretary had sometimes against Lord Dartmouth, sometimes against Lady Masham, and sometimes against the Treasurer himself. The Second Session of the last Parliament began December the 7th, 1711. This was attended with great Difficulties and Dangers, as well from the Practices of the Discontented here, as the Designs carry'd on by Mr. Buys, Prince Eugene and Bothmar; in which Designs concurr'd the Emperor, and other States and Princes who gain'd by the War. This put her Majesty under a sort of Necessity to preserve the whole, and to take a Method which had been us'd before to create some New Peers. So may having been brought formerly out of the House of Commons of those who us'd to manage Publick Affairs, it was propos'd to Mr. Secretary, That if he would be contented to stay in the House of Commons that Sessions, Her Majesty would have the Goodness to create him a Peer, and that he should not lose his Rank. The Second Session ended the 21st of June, 1712; and notwithstanding Bothmar's Memorial, and all other Attacks both from Abroad and at Home, Supplies were provided, and every Thing relating to the Publick put upon a good Foot, and the Malecontents began to despair as appear'd by the D. of Marlborough retiring Abroad, and other Particulars. After the Session was ended, the Queen, as She had promis'd, Order'd a Warrant for Mr. Secretary St. John to be a Viscount; this happen'd to put him in the utmost Rage against the Treasurer, Lady Masham, and without sparing the Greatest. It did avail very little to tell him, how much he had got in Place; for had he been created with the other Lds, it would have fallen to his share to have come next after Ld. Trevor; but the Treasurer with great Patience bore all the Storm, of which Lord Masham was often a Witness of the Outrageous Speeches; and Mr. Moor very lately told the Treasurer, that Ld. Bolingbroke said very lately to him, that he ow'd him a Revenge upon that Head. This Discontent continued, until there happen'd an Opportunity of sending him to France; of which there was not much Occasion; but it was hop'd, that this would have put him in good Humour; which it did, until in October 1712, there were Knights of the Garter made. This created a new Disturbance, which is too well remembred, and breaks out

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now very often in Outrageous Expressions publickly against all then made. In November, on the Death of D. Hamilton, he was much against D. Shrewsbury's going, for Reasons very plain, which then were in Negotiation; for before the last Session of that Parliament began a new Model was fram'd, or a Scheme of Ministry; which how they afterwards came to fail out, will appear in its due Place. The third and last Session began April the 9th, 1713; which was as soon as the Peace was concluded, and could be proclaimed. It is not decent to take Notice, *That during this whole Negotiation, the Treasurer was obliged by his own Hand, and his own Charge, to Correspond in all the Courts concern'd in the Negotiation; and very often he had the good Luck to set Right several Mistakes, and to obtain some Things very little expected; but the only Merit of this belongs to Her Majesty, the Credit of whose Favour brought it about, and gave Power to the Treasurer to act with Success.* During this Session, the Lds of the Cabinet, and Others, met every Saturday at the Treasurer's, in Order to carry on the Queen's Business, as they had done the Year before on Thursdays. Many Offers were made, and repeated by the Treasurer, in order to attack former Offenders, and quiet the Minds of the Gentlemen, and of the Church Party; and the only Reason for this Failing, was, because of the Project laid for their New Scheme, and putting themselves at the Head, as they call'd it, of the Church Party. This being the last Session of Parliament, and some Gentlemen fearing their Elections, and some for other Reasons, dropt the Bill of Commerce. The Treasurer saw this Opportunity, and immediately took it, and prevail'd with Sir Thomas Hanmer, and Others, to come into the Payment of the Civil List Debts, incur'd before the Change of the Treasury, tho' the present Treasurer was rail'd at, and malign'd; which he chose to bear patiently, rather than own the true Reason, that there was no Money to do it with, which would have ruin'd all at once. This Step of paying the Debts, put the Malecontented into the utmost Rage, which they did very publickly express in both Houses. This last Session of that Parliament, and the Third since the Change of the Ministry, ended July the 16th. 1713. The Peace with France being over, and it growing necessary to put

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Her Majesty's Affairs into a further and more settled Regulation, and to ease the Treasurer of the Burthen, as well as Envy, of such a Bulk of Business ; Her Majesty was pleas'd to approve of the Scheme of the Duke of Ormond's staying here to attend the Army Affairs, which was necessary at the time of Disbanding ; Duke Shrewsbury to go to Ireland, upon his Return from France ; Lord Findlater to be Chancellor of Scotland ; Lord Mar Third Secretary ; Ld. Dartmouth Privy Seal, and Mr. Bromley Secretary of State, and Sir William Wynham Chancellor of the Exchequer. I am sure the Queen very well remembers the Rage this caus'd, as perfectly Defeating their Scheme, and shewing that Her Majesty woul put her Affairs upon a solid Foot ; the Ld. Chancellor said it was against Law, and to this Day will not treat Ld. Findlater with Decency ; and Lord Mar has met with many ill Treatments as well as Mr. Secretary Bromley. But that the Treasurer might leave them without Excuse, and make Her Majesty's Affairs, if possible, easy with and to those in Her Service ; as soon as he was recover'd enough to write, he wrote a large Letter to Ld. Bolingbroke, containing his Scheme of the Queen's Affairs, and what was necessary for Ld. Bolingbroke to do, as belonging only to his Province. This Letter was dated July the 25th, 1713, and was answer'd July the 27th, by Lord Bolingbroke ; the Copy was shown to Ldy Masham, who came to visit the Treasurer then confin'd to his Chamber ; and she then thought it was a very good One, and what was proper for the Occasion. I believe the Whole would be of Use to give Light to Her Maj. into the Ground and Foundation of the Follies and Madness which have since appear'd ; the Whole is ready for Her Majesty's Perusal when She pleases. In this Letter the Treasurer gives an Account to Ld. Bolingbroke of the Occasions, or rather the Pretences for giving Disturbance to the Queen's Servants. He propos'd the Remedy, and what was requisite to be done by him as Secretary in his own Province, and also Assurance of the Treasurer's Assistance to the utmost, and of his Desire to consult with him (Ld. Bolingbroke) how to unite the rest of our Friends. Being then Sick, the Treasurer took the Liberty to put Ld. Bolingbroke in mind of the several Particulars which then requir'd Dispatch, and

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was were solely belonging to his Province, without any other Interposition than that of taking Your Majesty's Direction. Amongst others, that of a Circular Letter upon the Addresses of both Houses relating to the Pretender. This was not done in Three Months. His Ldship wrote Word it was done July the 27th. In the same Letter the Treasurer propos'd, that (according to the Treaty of Peace) Care should be taken of the following Particulars, viz. Newfoundland, Hudson's Bay, Acadia, St. Christophers, Assiento, and other things contain'd in the Treaties of Commerce. These Particulars the Treasurer thought to have been executed, until within a few Weeks he heard the contrary by Accident, and that the Time in the several Treaties was elaps'd. Upon this, the Treasurer, on Wedn. June 2, told Mr. Moor of this, and that every body would be liable to blame who are in the Q's Service. Thursd. June 3, 1714, Ld. Bolke writes to the Treasurer a Letter, which begins thus: *Mr. Moor has been this Morning with me, and has put into my Hands a Paper, which he calls, I think not improperly, a Charge upon me.* This Paper contains the Neglect abovemention'd in the Treasurer's Letter of July 25, 1713, 11 Months before; and yet these Faults are now charg'd upon the Treasurer.

Hereupon the Committee observe, that His Ldp. has here taken to himself the Credit of corresponding by his own Hand, and his own Charge, in all the Courts concern'd in the present Negotiations, and that very often he has had the good Luck to set right several Mistakes, and to obtain some things very little expected. That he boasted of his laying hold of a seasonable Opportunity in Parlia. upon rejecting the Bill of Commerce, to prevail with Members of that H. of Com. to come into the Payment of the Civil List Debts; and has also charg'd several Persons, then in High Stations in Her Maj's Service, with Corruption and Imbezilment of the Publick Money; and presum'd to recommend himself to Her Maj. by having us'd all his Skill and Credit to keep the H. of C. from examining into the same. And the Commit. having receiv'd Information, that large Sums of Money had been directed for special Services relating to the War, by Signs Manual, and Warrants upon the same, countersigned by His Lp, which Sums were afterwards paid to His Lordship's Order; the Commit. thought fit to lay before the House

House Copies of the said Signs Manual, and Warrants, and Orders thereupon.

The Committee having likewise observ'd several *Transactions, Orders, and Directions*, given by the Ministers in the Q's Name, in no manner agreeable to Her Maj's Sentiments and Intentions, as expressed in her several *Messages to Parlia. and Speeches from the Throne*, concerning the Terms of Peace which she was pleased to communicat to both Houses; thought it their Duty to enter into a particular Examination of this Matter, and to compare *Her Maj's Declarations with the Measures that Her Ministers presum'd to take in carrying on these important Negotiations*. The first Time the Qu. made mention of the Peace to the Parliam. was Dec. 11, 1711; when nothing had been concluded between Eng-d and Fr-ce, but the *Special Preliminaries sign'd by the E. of Dart-h, and Mr. St. J.n., on the Part of Eng-d, and Mr. Mesnager on the part of Fr-ce, Sept. 27, 1711*, and the *General Preliminaries sign'd by Mr. Mesnager only, which were sent over by the E. of Str-d as the Foundation of a Gen. Peace*. After these Preliminaries were sign'd, Mr. St. John press'd Mr. de Tor. that the K. of Fr-ce would explain himself with regard to the Allies; and such Explications as the King of France thought fit to make, are contain'd in the Answer to the Memorial brought by Mr. Gaultier, Nov. 18, 1711. Upon which Her Maj. at the Opening of that Session, in laying before the Parl. the State of the Treaty then on Foot, said, *That notwithstanding the Arts of those who delight in War, both Place and Time are appointed for opening the Treaty of a Gen. Peace. Our Allies, especially the States Gen. whose Interest I look upon as inseparable from my own, have, by their ready Concurrence, express'd their Confidence in me*. The Q. thought the States had readily concurr'd with her, but it must be remembred, that the States had in the strongest manner represented against the Propositions signed by Mr. Mesnager, as too general and uncertain, not being a sufficient Foundation upon which a Negotiation might be hazarded; they dreaded the fatal Consequences of opening the General Conferences, before the Articles offer'd by Fran. were made specifick, and before they knew what they were to trust to for their own Barrier and their Commerce. But instead of acquainting the Q. with these Representations, or acting according to Her

Maj's Sentiments, Mr. St. J-n, Oct. 9, declares, Certain it is, that Her Majesty is so far determin'd in her Measures, that those will deceive themselves who may imagine by Delay to break them. And Oct. 29, ' The Q. remains firm in her first Resolution, of causing the Conferences to be open'd upon the Articles sign'd by Mr. Mesnager. And Nov. 2. ' The Q. will not finally concert a Plan for the Prosecution of the War with the States, until they join with her in agreeing to open the Conferences of Peace. And Nov. 15, Lord Str-d says, ' He had now told them Her Maj's Order to him was to declare, that she should look upon any Delay as a Refusal to comply with her Propositions. By these Threats and extraordinary Measures, the States are compell'd by the Q's Ministers, to consent to open the Conferences; when at the same Time Her Maj. was persuaded, that they readily concurr'd in what had been propos'd to them. Her Maj. declares, She looks upon the Interest of the Stat. Gener. to be inseparable from her own. Mr. St. J-n declares, That Brit-n had gone so much too far in weaving her Interest into that of the Continent, that it would prove no easy Task to disentangle them, without tearing and rending.

The Q. says further, ' The Princes and States which have been engag'd with us in this War, being by Treaties intitled to have their several Interests secur'd at a Peace, I will not only do my utmost to procure every one of them all Reasonable Satisfaction, but I shall also unite with them in the strictest Engagements for continuing the Alliance, in order to render the Gener. Peace secure and lasting. And in her Message of the 17th of Jan. following, Her Maj. again expresses the Care she intended to take of all her Allies, and the strict Union in which she propos'd to join with them. By these Declarations it appears, Her Maj's own Resolution was to unite with the Allies in the strictest Engagements. But her Ministers had taken upon them, in the Private Propositions sent over by Mr. Prior, to insert an Article, That the Secret should be inviolably kept between Eng-d and Fr-ce, till allow'd to be divulg'd by the Consent of both Parties. And altho' Fran. had offer'd to treat with Eng-d and Holl-d, either separately, or jointly, with the rest of the All-s, at the Choice of Eng-d, the Q's Ministers excluded the All-s, and in the Conference held with Monsieur Mesnager, they are much surpriz'd to find that he had Orders,

Orders to insist, that the Q. should enter into Particular Engagements, upon divers Articles, which depend not upon her, and which regard the Interest of the All-s : And they insisted that it was absolutely necessary to remit the Discussion of the particular Interests of the All-s to Gen. Conferences. And when Mr. St. John was pressing Mr. de Tor. to give them some Explications of what was design'd for the All-s, he assures him, If the K. would offer a Plan of Specifick Preliminaries, the Q. will never communicate it to her Allies. And upon another Occasion, he declares, This Negotiation was begun and carry'd on upon a Supposition, that the Q. must desist from many Conditions; which in Rigour she was oblig'd to procure for her Allies.

In the Message of Jan. 17, the Q declares, Her Plenipo's had begun, in pursuance of their Instructions, to concert the most proper Ways of procuring a Just Satisfaction to all in Alliance with her, according to their Treaties, and particularly with relation to Sp-n and the Indies. And Her Maj. had said before, in Answer to an Address from the House of Lds, presented Dec. 11, 1711, I should be sorry any one could think I would not do my utmost to recover Sp-n and the Ind- from the House of Bourbon. The Committee cannot doubt but Her Maj. was determin'd to recover Spain from the H. of Bourbon : But that her Ministers had no such Thoughts, and did not in the least endeavour it, appears in every Part of the Negotiation. In the First Propositions sent over by Mr. Prior, Demands are made of the K. of Fr-ce, to be perform'd by the King of Sp-n, which the K. of Fr-ce was to engage for. And as appears by an Entry in Ld Str-d's Book, Mr. Prior had Orders to see if they had full Powers from Sp-n. In the Special Preliminaries, sign'd by the E. of Dartmouth, and Mr. St. Jn; it is said expressly, The K. promises in the Name of the K. of Spain his Grandson, and according to the Powers which His Maj. has reciev'd from that Pr. That Port Mahon and Gibralr: shall remain to the Eng Sh. These Steps had been taken by the Q's Ministers, even before Her Maj. had made these Declarations; which the Committee cannot therefore but conclude Her Maj. was not inform'd of. And altho' the Q's Plenipo's were oblig'd by their Instructions to insist, That Sp-n and the W. Ind. should not be allotted to any Branch of the House of Bourb. when the Plenipo's of Fr-ce, Feb. 11, 1711-12, gave in their specifick Explanation of the General Preliminaries,

sign'd by Mr. Mesnager, the K. of Fr-ce made his First Offers in the Name, and by Virtue of Powers from his Grandson K. Philip, as K. of Sp-n. Mar. 4, 1711-12, at a Meeting of the Ministers of the Allies at Utrecht, C. Sinzendorff insisted, That the Restitution of the whole Spanish Monarchy should be expressly mention'd. Upon which Occasion, it appears, by a Letter from the Eng sh Ministers, Mar. 6, *That they were the only Ministers that did not make any mention at all of Sp-n, and that they were sensible of the disadvantageous Consequences of being so.* All the Attempt that the Q's Ministers ever made towards obtaining this great Point, which Her Maj. declares *she should be sorry any one cou'd think she did not do her utmost to procure,* was to demand Assurances that the Crowns of Fr-ce and Sp-n should never be united. The Method of preventing this Union was never mentioned by the Qu's Ministers in order to be treated of, nor the Sense of Fr-ce and Sp-n ever ask'd upon it, till the latter End of Mar. 1712.

In this Message Her Maj. further adds, ‘ The World will now see how groundless those Reports are which have been spread abroad by Men of Evil Intentions, to serve the Worst Designs, as if a Separate Peace had been treated, for , which there has not been the least Colour given.

In this Declaration, Her Maj. is advis'd by her Ministers, in order to clear them from the just Suspicions which all the World had conceiv'd of the separate Measures they were engag'd in, not only to declare *there had not been the least Colour given* for such Jealousies, but to brand all that entertain those Apprehensions, with the Character of *Men of Evil Inclinations*, that had the *Worst Designs to serve*. But that most just Cause bath been given for these Reports, is sufficiently evident from what was just now observ'd. The Ministry had insisted ‘ That the Secret should be inviolably kept between England and France, exclusive of all the Allies. A Separate Negotiation between England and France had been carry'd on by Papers sent backward and forward, and much Time spent therein, as is said in Ld Strafford's Instructions. Mr. Prior had been sent into France, and Mr. Mesnager had been in England, and not the least Communication was given for Five Months together to any of the Allies of these Transactions, which were depending from Apr. 1711, to Sept. following. When the General Preliminaries

Preliminaries were sign'd, which were sent over as a Foundation to open the Gen. Conferences, a Set of Special Preliminaries between Eng d and Fr-ce was sign'd on Both Parts, which were conceal'd, publickly disown'd, and never appear'd till this Enquiry ; and all these Transactions had pass'd, however disguis'd to Her Maj. before the Time that Her Ministers advis'd the Q. to impose so grossly upon the Nation, as to declare in Parliam. there had not been the least Colour given for these Surmises. Her Maj. is advis'd to declare, ' That to report that ' a Separate Peace had been treated, proceeds from Evil Intentions, and to serve the Worst Designs. But the Commit. observe, That after this Declaration of the Q. Her Ministers propose to Fr-ce, agreed with Fr-ce, and sent positive and repeated Orders to the Qu's Plenipo's, not only to treat, but to conclude a Separate Peace with Fr-ce. June 20, 1712, Mr. St. J-n acquaints Mr. de Torcy, ' The Q. will make no difficulty to conclude immediately a Separate Peace with France, leaving the Allies a Time wherein they may have Liberty to submit to such Conditions as shall be agreed upon between the Q. and the Most Christian K. In Answer to this Mr. de Torcy tells Mr. St. J-n, Upon Condition the Q. does immediately make a Separate Peace, and keep no Measures with her Allies, the K. has determin'd to send his Orders to permit the Eng-sh Troops to enter into Dunk. July 12, 1712, Mr. St. J-n thinks ' the Q. in a Condition not to lose a Moment's Time in concluding ' with the Ministers of Fr-ce the Convention for a Gen. Suspension of Arms both by Sea and Land, and even the Treaty ' of Peace between Brit. and Fr-ce. And August 4, 1712, Mr. de Torcy acquaints Mr. St. J-n, ' That the K. consented to the Duke of Savoy's having Sicily upon certain Conditions; wherein one express Condition is, That a Peace be concluded between England, and Fr-ce, Spain, and Savoy. And at last, when the Treaty drew near to a Conclusion, and almost all the Allies were ready to sign, Febr. 20, 1712-13, positive Orders are sent to the Brit. Plenipo's to conclude and sign with Fr-ce; and on the 28th Ld B-ke repeats those Orders. The Committee close this Head with repeating a Passage from one of Ld B-kes Letters to Mr. Prior, wherein he says, ' If such Overtures as these were not instantly accepted, our Separate Peace would, sitting this Parliam. be address'd for,

'for, made, approv'd, and the Cause of France for once become Popular in Great Britain.

On the 6th of June, 1712, the Queen says, *I am now come to let You know upon what Terms a General Peace may be made.* On the same Day, Ld. Bolingbroke acquaints Monsieur de Torcy, 'That tho' the K. of France had not answer'd the Queen's Demands, according to expectation, the Queen would not defer going that Day to Parliament, and making all the Declarations that were necessary to render the Nation unanimously inclined to the Peace.

The Queen says, *The Difficulties had been increas'd by other Obstructions, artfully contriv'd to hinder this great and good Work:* Whereas it is notorious, that the Ministers had receiv'd but the Day before, the Account that King Philip had consented to make the Renunciation, upon which Account only the Queen's speaking to the Parliament had been defer'd.

The Queen says, *I have not omitted any Thing which might procure to all our Allies what is due to them by Treaties, and what is necessary for their Security.* Ld. Bolingbroke, on the very same Day, in his Letter to Mons. de Torcy says, 'Lord Strafford is going back to Utrecht, and in the Instructions he is to carry will put the Queen's Plenipo's in a Condition to keep no longer those Measures to which they have hitherto been obliged to submit; but from henceforth they may openly join with those of France, and give Law to them who will not submit to just and reasonable Conditions.

The Queen says, *Nothing has mov'd me from steadily pursuing in the first Place the true Interest of my own Kingdoms.* Ld. Bolingbroke just before, on the 24th of May, had propos'd to Mons. de Torcy, 'That the Queen being much more intent upon the General Peace, than any particular Advantages, Commissaries should be appointed to settle after the Peace, such Points relating to Trade, as requir'd a longer Discussion than the present Crisis would admit.

The Queen says, *That to prevent the Union of the two Crowns, she would not be content with what was Speculative, but insisted upon something Solid:* Altho' Mons. de Torcy had before declar'd to the Queen's Ministers, 'That to accept of this Expedient which they propos'd would be to build upon a Sandy Foundation.

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The Queen says, *The Nature of the Proposal for a Renunciation is such, that it executes it self; and that France and Spain are thereby more effectually divided than ever.* But Mons. de Torcy had before assur'd the Queen's Ministers, That 'this Renunciation would be null and void, by the fundamental Laws of France; and they would deceive themselves who accepted of it as an Expedient to prevent the Union of the Two Crowns.

The Queen says, *Provision is made, that the same Privileges and Advantages as shall be granted to any other Nation by France, shall be granted in like manner to Us.* But it appears, by a Letter of Ld. Bolingbroke's in January following to the D. of Shrewsbury, That France refus'd to let our Trade stand upon the Foot of *Gens amicissima*; declar'd the Tariff of 1664, which was granted to the Dutch, except the Four Species, was too Beneficial for Us; and refus'd to grant it until another Tariff should be made in Great Britain exactly conformable to that of 1664. whereby our Duties would be reduced as theirs are in France by that Tariff.

As to our Commerce with France, the Queen says here, June the 6th 1712. It was in a Method of being settled. And Mr. Prior says of it in May following, near a Twelvemonth after, 'We had like to have made an Athanasian Business of it at Utrecht, by that Explanation of our own Way of understanding our own Commerce. Their Letters to you full of Surmises and Doubts, that all was unhinged; and their Letters to Us again, That Explanations, however made, were only to save Appearances, and signified nothing: This Melange, I say, and my endeavouring to understand it, had like to make me run mad, if the Duke of Shrewsbury's extreme good Sense, and Mons. de Torcy's not not only Honest, but Right Understanding, had not redress'd Us.

The Queen says, *The French consented to deliver up Newfoundland and Placentia.* But it must be remembred, That in the Preliminaries sign'd in September preceding, the French had reserv'd to themselves a Liberty of taking and drying Fish in Newfoundland.

The Queen says, *An absolute Cession was to be made of Nova Scotia, or Acadia.* But Cape Breton, which was always understood to be, and is so declar'd by the Queen's Instructions

ctions to the D. of Shrewsbury, to be Part of Nova Scotia, is expressly given up to France.

The Queen says, *The Trade to Spain and the West Indies may in general be settled, as it was in the Time of the late King of Spain, Charles the Second.* But when the Project of the Treaty of Commerce came from Madrid, Lord Bolingbroke says of it, ‘ They had sent a Blind, Lame, Mishapen, Indigested Monster, instead of that fair Offspring which we had reason to expect from our Candour.

The Committee observe, That if all the other Parts of this Speech be strictly examin'd, it will be found that the that the Ministry did so grossly deceive the Queen, in order to impose upon the Parliament by her Authority, that there is scarce a Paragraph that does not contain some unfair, or at least equivocal Representation of the State of the Negotiations. And when the Queen was advis'd by her Ministers to make this Communication to Parliament, as the Terms upon which a General Peace might be made, it is very evident, they had no Assurances that France would make good what they prevail'd upon the Queen to declare in so solemn and publick a Manner. For on June the 11th, the Bishop of Bristol is directed by Mr. St. John to Discourse with the Ministers of the Allies agreeably to the Plan contain'd in Her Majesty's Speech : But before his Lordship makes this Step, Mr. St. John tells him, ‘ It will be proper that he speaks first with the French Plenipotentiaries upon this Subject ; whether they will be willing, and in what manner they will be willing, to give this Communication to the Allies. In answer to which, the Bishop of Bristol writes word, June the 28th. that the French Plenipotentiaries declar'd they had no such Orders, and without them they could not do it ; And in this Refusal of owning the Queen's Speech, as containing the Masters Offers, and in absolutely denying to treat upon it, the French Plenipotentiaries persever'd, even after the Dutch had consented to treat upon that Plan, and to accept the Queen's Speech pro Materia tractandi.

The Committee having proceeded thus far in the Perusal and Examination of the Books and Papers referred to them, thought it not proper to defer this Report until they had perfect'd what remains, especially upon the Affairs of Dunkirk and the Assents.

On Friday the 10th of June, the Commons resumed the adjourn'd Consideration of the Report from the Committee of Secrecy, and the rest of the Report being read, (which lasted till about Four a clock in the Afternoon) Sir Thomas Hanmer moved, That the Consideration of the said Report be adjourn'd until Monday next.

Debate about the Adjourning the Consideration of the Report.

following Seven night ; and was seconded by the leading Men among the Tories, who moved also, that the said Report be printed, to be perused by all the Members of the House. Hereupon Mr. Robert Walpole said, ‘ He could not but wonder, that those Gentlemen, who had shew'd so great Impatience to have the Report laid before the House, should now press for Adjourning the Consideration of it. That as for the Committee of Secrecy, as they had not yet gone through all the Branches of their Inquiry, they could have wish'd some longer Time had been allow'd them to peruse and digest several important Papers. That in order to that, they would have deferr'd three Weeks or one Month, the laying their Report before the House, but that some Gentlemen having reflected on the pretended Slowness of the Committee, since the said Report was now before them, they must e'en go through with it.’ General Stanhope added, ‘ That for his own Part, he would readily agree to give those Gentlemen all the Time they could desire to consider of the Report ; but that since they themselves had precipitated this Affair, he was of Opinion they ought to prosecute it with Vigor, lest, by stopping on a sudden, they should fortify the Notion, which the Friends of the late Ministry had, with great Industry, propagated among the People, that the Report of the Committee of Secrecy would vanish into Smoke : The rather, because these malicious Insinuations had raised the Spirits and Insolence of the Disaffected, and were

‘ the principal Cause of the present Ferment among the giddy Multitude. That he agreed with the Member who had moved for the Printing of the Report, that not only the House, but the whole World might be convinc’d of the Fairness and Impartiality of their Proceedings: But that the Crimes of some Persons named in the Report were so obvious to every Body, that they ought, in his Opinion, immediately proceed to the Impeaching of them.’ The *Tories* still endeavour’d to put off the *Evil Day*, and some proposed the Adjourning of the Debate till that Day Seven night; and others would have been contented to deferr it for Three Days only, viz. to the *Monday* following: But the Court were staunch and resolute against all Delays; and the Question being put about seven a-clock in the Evening, on the Motion made by Sir Thomas Hanmer, was carried by in the Negative by 280 Voices against 160. This Point being gain’d, Mr. *Walpole* said, ‘ He made no Question, that, after the Report had been twice read, the whole House was fully convinc’d, that *Henry Lord Viscount Bolingbroke* was guilty of *High-Treason*, and other High-Crimes and Misdemeanours. That therefore, he impeach’d him of those Crimes: But if any Member had any Thing to say in his Behalf, he doubted not but the House was ready to hear him.’ Hereupon, the *Tories* look’d one another in the Face; and there was, for some Minutes, a deep Silence in the House. Mr. *Hungerford* broke it with saying, ‘ That in his Opinion, nothing was mention’d in the Report in Relation to the Lord *Bolingbroke*, that amounted to High-Treason;’ And General *Ross* said, ‘ He wonder’d no Body spoke in favour of my Lord *Bolingbroke*: That, for his own Part, he had nothing to say at present; but reserved to himself to speak in a properer Time.

The Lord Bolingbroke impeach'd of H. Treason.

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The Resolution for Impeaching *Henry, Lord Viscount Bolingbroke* of *High-Treason* and other *High-Crimes* and *Misdemeanours*, being pass'd ; and Candles brought in, according to Order, the Lord *Coningsby*, stood up and said, ' The Worthy Chairman of the Committee has impeach'd the *Hand*, but I do impeach the *Head* : ' He has impeach'd the *Clerk*, and I the *Justice* ; ' He has impeach'd the *Scholar*, and I the *Master* : And so impeach'd *Robert, Earl of Oxford* and *Earl Mortimer* of *High-Treason*, and other *High-Crimes* and *Misdemeanours*. Hereupon Mr. Auditor *Harley* made a long pathetick Speech ; wherein he endeavour'd to justify his Brother, ' as having done nothing but by the immediate Commands of the late Queen ; urging, that the Peace was a good one ; and approved as such by Two Parliaments ; And such Threadbare Topicks : Concluding, that the Facts mention'd in the Report, and which were charged on the Earl, could not be construed to amount to *High-Treason*, but only in strict Rigor, to *Misdemeanours*.' He was back'd by Mr. Auditor *Foley*, the Earl's Brother-in-Law, who complain'd of the Hardship put upon that Nobleman, in Charging him with *High-Treason*, before they had examin'd the Report : But what was yet more favourable for the Earl, was spoke by Sir *Joseph Jekyll*, one of the Committee of Secrecy, who said, ' That as to the Lord *Bolingbroke* they had more than sufficient Evidence to convict him of High-Treason, upon the Statute 25. Edw. III. But that as to the Earl of *Oxford*, he doubted whether they had either sufficient Matter, or Evidence to impeach him of Treason.' But another honourable Member of the Committee of Secrecy having assured the House, That besides what had appeared before them, and was mention'd in the Report, they had other Evidence, Viva voce : It was likewise resolv'd without

*The Earl of Oxford im-
peach'd of H. Treason.*

dividing, ‘That this House will impeach Robert Earl of Oxford and Earl Mortimer of High-Treason, and other High-Crimes and Misdemeanours;’ And Ordered, ‘That it be referr’d to the Committee of Secrecy, to draw up Articles of Impeachment and prepare Evidence against Henry, Viscount Bolingbroke, and Robert Earl of Oxford and Earl Mortimer.’ After this it was order’d likewise, that the further Consideration of the said Report be adjourn’d to that Day Seven night; and that the said Report, with the Appendix, be printed.

The next Morning the Earl of Oxford went to the House of Peers, and, at first appear’d pretty Serene and Unconcerned: but finding that most Members avoided sitting near him; and that even the Earl P---t was shy of exchanging a few Words with him, he was dash’d out of Countenance, and retired out of the House. The same * Day, the Commons ordered, ‘That Mr. Speaker do send a printed Copy of the Report from the Committee of Secrecy to the Sheriff of every County, and to the Returning Officer of every City and Borough sending Members to Parliament:’ And, indeed, the Prepossessions of the People in favour of the late Managers were so strong, and so general, that nothing less than this Report could have been able to dissipate their Infatuation, by laying open, as it does as clear as the Sun in its Meridian, an unparallel’d Scene of Folly, Villainy and Treachery.

Order for examining Mr. Prior and Mr. Harley.

On Wednesday, the 15th of June, Mr. Walpole, from the Committee of Secrecy, acquainted the House, ‘That he was directed by the Committee to move the House, that the Persons taken into Custody (pursuant to the Order of the House of the 9th Instant) might be examin’d in the most solemn manner, according to former Precedents:’ Upon which it was ordered, ‘That such Members of the Committee

of Secrecy who are Justices of the Peace for
the County of Middlesex should examine
Matthew Prior, Esq; and Tho. Harley, Esq;
at the said Committee, touching Matters con-
tain'd in the several Books and Papers referr'd
to them.

Two Days + after, Mr. Walpole acquainted + June 17th.
the House, That (pursuant to their Order)
Matthew Prior, Esq; had been, the Day before,
examin'd before the Committee of Secrecy,
and during a long Examination there appear'd
Matters of such Importance, that the Com-
mittee had directed him to move the House,
that he might be confined in close Custody,
and no Person permitted to come to him:
Upon which it was ordered, That Matthew
Prior, Esq; (now in Custody of the Serjeant at
Arms) be confined in close Custody, and no Per-
son permitted to come to him without Leave from
Mr. Speaker. This Order occasion'd various
Reports: Some affirm'd, That the Earl of Ox-
ford had been Three Hours in close Confe-
rence with Mr. Prior, and had so effectually
tamper'd with him, that he was more shy and
reserved in answering Questions, than he had
been before; And others pretended, That Mr.
Prior had himself discover'd to some Members
of the Secret Committee the Endeavours which
had been used to take him off; and had desired
to be close confined, to prevent the like for
the future. Be that as it will, the same* Day * June 17th.
that Order was made, Printed Copies of the
Report from the Committee of Secrecy were de-
liver'd to the Members of Both Houses: Upon
which Mr. Bromley moved that the further
Consideration of the said Report be adjourn'd
till Tuesday the 21st of June, that the Mem-
bers might have Time to peruse the said Report:
Which was ordered accordingly.

Mr. Prior
order'd to be
confin'd in
close Custody.

Various Re-
ports about
the Duke of
Ormond.

All this while there were various Reports concerning the Duke of *Ormond*, who having been the principal Instrument of the *late Ministers*, and, next to them, lying most open to an Accusation, was therefore most likely to be next impeach'd. Some gave out, That one of his noble Relations had interceded for him with the King, and even persuaded his Grace to write a submissive Letter to His Majesty, desiring a favourable Interpretation of his former Actions, and imploring his Maj's Clemency. They who really wish'd well to his Grace, notwithstanding his late Errors, were in hopes, He would have pursued that wholesome Counsel : But they saw with Regret, that his Grace's pretended Friends still hurry'd him on to a Precipice, by endeavouring to make him the Darling of the Populace. To this Purpose we may take Notice, That about the middle of June the following printed Advertisement was dispers'd with great Industry, viz.

' **O**N Tuesday, the 7th of this Month, Her Grace the Dutchesse of *Ormond*, in her Return from *Richmond*, was stopp'd in her Coach by Three Persons well mounted, and well arm'd, in Disguise, who enquir'd if the Duke was in the Coach, and seem'd to have a Design upon his Life if he had been there. It has been observ'd, that many Persons arm'd, and disguis'd in the like Manner, have been watching by Day and by Night upon that Road, on each Side of the Water, and it is not to be doubted, with a Design to assassinate His Grace.

' Tis plain, that supposing the Fact set forth in this Advertisement to be true, the Consequence which was drawn from it, viz. a Design to assassinate His Grace, was not only strain'd and inconclusive, but also a most dangerous Insinuation, calculated to feel the Pulse, and raise the Fury of the Mobb against His Grace's supposed Enemies.

The

The Folly and Madness of his Grace's pretended Friends, in letting up his Name as a signal for Riots and Tumults, could not but alarm the Government; and, perhaps, provoked the H. of Commons to proceed against him sooner, and with more Vigour, than they would otherwise have done. Be that as it will, On Tuesday, the 21st of June, the House having, according to order, consider'd further of the Report from the Committee of Secrecy, Mr. Secretary Stanhope, stood up and said, ' He wish'd he were not obliged to break Silence on that Occasion; but that as a Member of the Secret Committee, and of that great Assembly, which ought to do the Nation Justice, he thought it his Duty to impeach James Duke of Ormond of High Treason, and other High Crimes and Misdemeanors; ' And was Seconded by Mr. Boscowen, Comptroller of his Majesty's Household. Here of Ormond. upon Archibald Hutchinson Esq; one of the Commissioners of Trade, made a long Speech in behalf of the Duke of Ormond, wherein he set forth his Noble Birth and Qualifications; and the great Services which both he and his Illustrious Ancestors had perform'd to the Crown and Nation; urged, That in the whole Course of his late Conduct he had but obey'd the late Queen's Commands; and concluded, That if all that was alledged against his Grace in the Report could be made out, it would in the Rigour of the Law, amount to no more than High Misdemeanors.' This Speech, made a great Impression on the Assembly; and Mr. Hutchinson was seconded by General Lumley who said among other Things, ' That the Duke of Ormond had on all Occasions given signal Proofs both of his Affection and Love for his Country, and of his Personal Bravery and Courage, particularly at the Battle of Landen, where he was Wounded and taken Prisoner; and that the late King William was

' was extremely satisfied with his Grace's Gallant
 ' Behaviour. That his Grace had generously
 ' expended the best Part of his Estate in the
 ' Wars, Living in a most Noble and Splendid
 ' manner, for the Honour of his Country ;
 ' That therefore in consideration bothof his great
 ' Services, and his Illustrious Relations, if he
 ' had of late been so unfortunate as to fail in any
 ' Part of his Conduct, they ought not to pro-
 ' ceed against him with the utmost Rigour of
 ' the Law ; The rather because he ever meant
 ' well, .and was drawn into ill Measures by
 ' crafty Ministers.' Sir Joseph Jekyll, spoke
 likewise in favour of the Duke of Ormond : He
 said, ' That if there was Room for Mercy he
 ' hoped it would be shewn to that noble, gene-
 ' rous, and courageous Peer, who, for many
 ' Years, had exerted those great Accomplish-
 ' ments for the Good and Honour of his Coun-
 ' try ; That, if, of late, he had the Misfortune
 ' to deviate from his former Conduct, the Blame
 ' ought not, in Justice and Equity be laid to him,
 ' but to them principally, who abusing his Affe-
 ' ction, Loyalty, and Zeal for the Service of
 ' his Royal Mistress had drawn him into perni-
 ' cious Counsels ; That therefore, as the Statute
 ' of the 25th Edw. III. on which the Charge of
 ' High Treason against his Grace was to be
 ' grounded, had been mitigated by subsequent
 ' Laws, the House ought not, in his Opinion,
 ' take Advantage of that Act against the Duke,
 ' but only impeach him of High Crimes and
 ' Misdemeanors. Sir Joseph added, (in the
 ' Course of this Debate) That some Persons en-
 ' deavour'd to aggravate 'the Duke of Ormond's
 ' Faults, by charging upon him the Riots and
 ' Tumults which the Populace committed daily
 ' in many Places ; But that he durst averr, that
 ' his Grace did no ways countenance those dis-
 ' orders ; and if the Disaffected made use of his
 ' Name, unknown to Him, his Grace ought not
 to

to suffer for it.' General Ross laid great stress upon Sir Joseph Jekyll's Opinion; and said all he could in his Commendation, and the Duke's Defence. Sir William Wyndham, Thomas Onslow Esq; Mr. Ward, Mr. Hungerford, and some other Members of both Parties, spoke also on the same Side: But Mr. Lyddal (a young Gentleman of bright Parts, who spoke this first Time with great Deliberation and Applause) Mr. Hampden, and Mr. Thompson, Recorder of the City of London, did strongly support General Stanhope's Motion; answer'd all that had been alledg'd in the Duke's Favour; and among other Things, represented, 'That he ever affected Popularity; That he could not be ignorant of the *Tumults* and *Riots* of which his Name was the *Signal*; and that since he did not publickly disown them, who made use of his Name, his Silence was a tacit Approbation of their Proceedings, and seem'd to summon the People to a general Insurrection.

Sir Edward Northey, Attorney General, did not disown, but that in the Report of the Committee of Secrecy there were some Matters on which an Impeachment of High-Treason might be grounded against the Duke of Ormond; but did not think it proper to explain himself further, on that Occasion. Mr. Lechmere Sol licitor General, spoke plainer: and mention'd a Case parallel to the Duke's, which had been adjudg'd *Treason*. By this Time, the Debate had lasted from about one, till near Nine in the Evening; and a Motion that was made for adjourning, being waved, Candles were order'd to be brought in; which being done accordingly, the Debate was prolonged till about half an Hour past Ten, when the question was put and resolv'd by a Majority ^{The D. of Or-} of 234 Voices against 187, 'That this House ^{mond im-} will impeach James Duke of Ormond of ^{peach'd of} High- ^{High Treason.} Treason, and other High Crimes and Misde- meanors.' After which it was order'd, 'That

' it be referr'd to the Committee of Secrecy, to draw up Articles of Impeachment, and prepare Evidence against James Duke of Ormond ; and that the further Consideration of the said Report be adjourn'd to the next Morning.' It was observ'd that scarce any Debate was managed in that House with more Calmness and Decency than this about the Duke of Ormond ; not an angry or passionate Word having dropt from any that spoke for or against his Grace. It was likewise observ'd, that many Whigs and Courtiers went out of the House, to avoid giving their Votes ; which they could not do without either wronging their Consciences, or doing Violence to the Tenderness and Affection they bore to that unfortunate Nobleman.

^{† June 22d.} The next + Day, the Commons resumed the Consideration of the Report from the Committee of Secrecy, and Mr. Aislaby, Treasurer of the Navy, who spoke first, took notice of the general Concern, that had appeared the Day before in the House, for the noble Person that was impeach'd ; because they were persuaded 'twas rather through Weakness than Malice that he had follow'd Pernicious Counsels : But that in his Opinion, few, if any, would speak in Favour of another Lord, whom he was to impeach. That the Person he meant was Thomas, Earl of Strafford, one of the Plenipotentiaries of Great Britain, at the Congress at Utrecht ; whose Conduct had been vastly different from that of his Colleague, the present Bishop of London. That this good and pious Prelate seem'd to have been put at the Head of that Negotiation, only to palliate the Iniquity of it, under the Sacredness of his Character ; but was little more than a Cypher in the Absence of the Earl of Strafford. That the Bishop not being in the Secret, had acted with Reserve and Caution, and would do nothing without the Queen's special Commands : Whereas the Earl

of Strafford not only was forward to venture and
 undertake any thing (as he expresses himself in
 one of his Letters) to be the Tool of a Frenchi-
 fy'd Ministry; but in many Instances had gone
 beyond his Instructions, and advised the most
 Pernicious Measures That having impartially
 weigh'd the different Conduct of these Two
 Ministers, he was glad that nothing could be
 charg'd upon the Bishop, which gave them an
 Opportunity to convince the World, *That the*
Church is not in Danger: But moved that
Thomas, Earl of Strafford be impeach'd of High
Crimes and Misdemeanors. Mr. Aislaby af-
 terwards enlarg'd upon this Charge, which he
 reduc'd to Three Principal Heads, viz. *1st,*
The Earl of Strafford's advising the fatal Sus-
pension of Arms; which was soon after attended
with several Misfortunes that befel the Allies;
and, at last, reduced them to the Necessity of
submitting to the Terms of an Unsafe, Disho-
nourable Peace. 2dly, Advising the Seizing of
Ghent and Bruges, in order to distress the Al-
lies, and favour the Enemy. And 3dly, The
Insolence and Contempt with which he had
treated the Most Serene House of Hanover, and
their Generals and Ministers. Mr. Bailie, a
 Scotch Member, having seconded Mr. Aislaby,
 Sir William Wynham endeavour'd to justify the
 Earl of Strafford, as to the First Head, by say-
 ing, *'That the Peace, which was but the Se-*
quel and necessary Consequence of the Suspen-
sion of Arms, had been approved as such by
Two successive Parliaments, and declared ad-
vantageous, safe, and honourable. Mr.
 Shippen, Mr. Ward (the Lawyer) and Mr.
 Snell, spoke also in Favour of the Earl of
 Strafford; as did also Mr. Hungerford, who,
 among other things, said, *'That tho' the Bishop*
of Landon had an equal Share with the Earl of
Strafford in the Negotiation of Peace, he was,
it seems, to have the Benefit of his Clergy.'

General Ross having likewise said something to excuse the Suspension of Arms, General Cadogan answer'd him briskly ; and shew'd, ' That considering the Situation of both Armies, the Confederates lost the Fairest Opportunity they ever had in Flanders to destroy the Enemy's Army, and to penetrate into the very Heart of France : But added, ' That nothing less could be expected from a Princess, and a Ministry, who had entirely deliver'd themselves into the Hands of France.' Sir James Campbell spoke also against the Earl of Strafford : But the Member who distinguish'd himself most in this Debate was Sir James Dalrymple, another Scotch Member, who with great Clearness and Solidity, summ'd up what had been said on Both Sides ; and having illustrated the present Case by parallel Instances, and proper Observations, shew'd that both by the Civil and Statute Laws the Earl of Strafford was, at least guilty of High Crimes and Misdemeanors. Hereupon, about Seven a-clock in the Evening, the Question was put, and (by a Majority of 268 Voices against 100) resolved, That

The Earl of this House will impeach Thomas, Earl of Strafford in Strafford, of High Crimes and Misdemeanors; and order'd, 1st, ' That it be referr'd to the Committee of Secrecy to draw up Articles of Impeachment, and prepare Evidence against the said Earl.' And 2dly, ' That the further Consideration of the said Report be adjourn'd to that Day Sevenight : ' When it was further adjourn'd for a Week longer.

On Thursday, the 7th of July, Mr. Walpole, from the Committee of Secrecy, acquainted the House, ' That the Committee had, in Obedience to the Commands of the House, prepared Articles of Impeachment for High Treason, and other High Crimes and Misdemeanors, against Robert, Earl of Oxford, and Earl Mortimer ; and that the Committee had commanded him, at the same Time to acquaint the House, that they should,

'Should, in a short Time, have further Articles
 'to lay before the House against the said Earl ;
 'and that the Committee had directed him to re-
 'port the *Articles* (already prepared) to the
 'House.' And he read them in his Place, and af-
 terwards deliver'd the same in at the Table,
 where they were once read.

Articles of Impeachment

against the E.

of Oxford,

laid before the

Commons.

July 7.

After this it was moved by a *Tory Member*,
 that the further Consideration of the said Arti-
 cles be adjourn'd to that Day Sevennight ; but it
 was carry'd without dividing, and order'd,
 That the said Report be read a second time the
 next Day. Accordingly, on the 8th of July,
 the First Ten of the *Articles of Impeachment*
 against *Robert, Earl of Oxford and Earl Morti-
 mer*, were read a 2d Time ; and upon the Que-
 stion severally put thereupon (with Amendments
 to some of them) there was a long Debate from
 Two till Eight in the Evening, when they were
 agreed to, by a Majority of 280 Voices, against

125. Then a Motion being made and the Que-
 stion put, That the further Consideration of the
 said Report be adjourn'd till the next Morning,
 the same was carry'd in the Negative, by 247
 Votes against 139. Hereupon the XIth Article
 was read a Second Time, and amended by the
 House ; and, after Candles had been brought in,
 there arose a great Debate, upon the Question,
 whether the said Article was *High-Treason*? Sir
Robert Raymond, formerly Sollicitor General,
William Bonney, Esq; Sir *William Wyndham*,
 the *Auditors Harley and Foley*, Mr. *Ward*, and
 Mr. *Hungerford*, (who had already spoke in fa-
 vour of the Earl of *Oxford*) maintain'd the
 Negative : And were strongly Supported by Sir
Joseph Jekyll, one of the Committee of Secrecy.
 The latter said, among other Things, ' That
 ' it was ever his Principle to do Justice to every
 ' Body, from the Highest to the Lowest, being
 ' persuaded, That it was the Duty of an honest
 ' Man never to act by a Spirit of Party. That

*Debate about
them.*

July 8.

he

‘ he hoped he might pretend to have some
 ‘ Knowledge of the Laws of the Kingdom ;
 ‘ and as in the Committee of Secrecy he had ta-
 ‘ ken the Liberty to differ from his Colleagues,
 ‘ he would not scruple to declare now to the
 ‘ Whole House, that, in his Judgment, the
 ‘ Charge in Question did not amount to *High-*
 ‘ *Treason.*’ Most of the other Members of the
Committee of Secrecy were offended at this Speech,
 which both revealed and censured their Pro-
 ceedings: And thereupon Mr. Walpole answer’d,
 with some Warmth, ‘ That there were both in,
 ‘ and out of the Committee of Secrecy several
 ‘ Persons, who did not, in the least, yield to
 ‘ the Member that spoke last, in point of *Ho-*
 ‘ *nesty*; and who, without derogating from his
 ‘ Merit, were Superior to him in the Know-
 ‘ ledge of the Laws; But who, at the same Time,
 ‘ were Satisfied that the Charge specified in
 ‘ the Xith Article amounted to Treason.’ Mr.
 Walpole was back’d by Generel Stanhope, the
 Lord Coningsby, General Cadogan, Mr. Bos-
 cawen, and Mr. Aislaby; And the Eleventh Ar-
 ticle being amended, the same was agreed to
 by the House, by a Majority of 247 Votes a-
 gainst 127. It is observable, That Mr. Audi-
 tor Harley endeavour’d to justify his Brother,
 First, By urging that he ever acted by the late
 Queen’s positive Commands; to prove which he
 offer’d to produce Two Letters from Her Ma-
 jesty; and 2dly, The Necessity of making a Peace.
 Having, upon this Occasion advanc’d, That
 the Dutch prolong’d the War, and that their
 Deputies in the Army had often prevented the
 giving the Enemy a Decisive Blow: General
 Cadogan answer’d him very smartly; shew’d
 that the Dutch were more concern’d than any
 Prince or State in the Grand Alliance to put
 an End to the War; and undertook to prove,
 That there had not been any Campaign in
 Flanders, except that in which the Duke of

Ormond commanded, that was not mark'd, and famous to all Posterity, for some signal and glorious Event, to the Advantage of the Common Cause. Then the rest of the Sixteen Articles were severally read a Second Time, and with Amendments to some of them, agreed unto by the House, who Ordered, First, That the said Articles beengrossed; Secondly, That a Clause be prepared saving Liberty to the Commons to exhibit any further Articles against the said Robert Earl of Oxford and Earl Mortimer; and that he may be sequestred from Parliament, and committed to safe Custody. This Clause was, according to Order, offer'd the next * Day, to the House; and being twice read, and agreed to, was order'd to be ingrossed with the Articles of Impeachment. Whilst this was doing, the Commons, order'd Mr. Comptroller to go to the Lords with a Message, to desire that their Lordships would continue Sitting some Time; with which Desire their Lordships readily comply'd. Then the Ingrossed Articles of Impeachment against Robert, Earl of Oxford and Earl Mortimer were read; after which it was order'd, First, That the Lord Coningsby H. of Com-
do carry the said Articles to the Lords, Secondly, mons for It-
That the Lord Coningsby be directed, (before peaching the
he exhibites the said Articles to the Lords) to E. of Oxford.
impeach Robert, Earl of Oxford and Earl Mor-
timer to the Effect following, viz.

* July 5th.

My LORDS,

The Commons assembled in Parliament having received Information of divers Traiterous Practices and Designs of a Great Peer of this House Robert, Earl of Oxford and Earl Mortimer, have commanded me to Impeach the said Earl of Oxford and Earl Mortimer of High-Treason, and other High Crimes, and Misdemeanours: And I do here in their Names, and in the Names of all the Commons of Great Britain Impeach Robert, Earl of Oxford and Earl Mortimer of High-Treason, and other High Crimes and Mis-
demeangrs.

measures. I am further commanded by the House of Commons to pray and demand of your Lordships, That the Earl of Oxford and Earl Mortimer may be sequestred from Parliament, and forthwith committed to safe Custody.

After this, Mr. Solicitor General having been sent to the Lords with a Message, to desire, that their Lordships would direct the Painted-Chamber, the Lobby, and the Passage to the House of Peers might be clear'd from any Crowd, which was done accordingly, by Five a-clock in the Afternoon, the Lord Coningsby, attended by most of the Whig Members, went up to the of House of Peers, and at their Bar, impeach'd Robert, Earl of Oxford and Earl Mortimer, in the Form above-mention'd; and then left with their Lordships, the following ARTICLES of IMPEACHMENT.

Articles of
IMPEACH-
MENT a.
gainst the
said Earl.

WHEREAS many solemn Treaties and Alliances have been formerly enter'd into between the Crown of England and other Princes and Potentates of Europe, for their mutual Safety, and from the Considerations of the common Danger which threaten'd all Christendom, from the immoderate Growth of the Power of France. And whereas the Preventing the Monarchy of Spain from coming into the Hands of the House of Bourbon, has, for many Years, been a fundamental Principle and Maxim of Union among the Allies, in order to preserve a just Ballance of Power in Europe: And to that End, as the Designs of France on the Monarchy of Spain have, from Time to Time, appear'd, new Treaties and express Stipulations have been enter'd into amongst the Allies, to strengthen themselves against that approaching Danger: And on this Foundation a Treaty for an intended Partition, whereby a Small Part only of the Dominions of the Crown of Spain was allotted to the House of Bourbon, was condemn'd by the Wisdom of Parliament, as being highly prejudicial and fatal in its Consequences to England, and the Peace of Europe. And whereas the Duke of Anjou, Grandson to the King of France, on the Demise of Charles the Second, King of Spain, took Possession of the entire Monarchy of Spain, whereby the

the Ballance of Power, the Protestant Religion, and the Liberties of Europe, were threaten'd with imminide Danger: Whereupon Leopold, then Emp. of Germany, His Late Majesty King William the Third, of Ever-glorious Memory, and the States-General of the United Provinces, finding, at that most critical Juncture, that a strict Conjunction and Alliance between themselves was become necessary, for repelling the Greatness of the Common Danger from so great an Accession of the Power to the then Common Enemy, did, in the Year of our Lord 1701, make, form, and conclude, a New Treaty and Alliance, whereby it was agreed, That there shall be and continue between the said Confederates, His Sacred Imperial Majesty, His Sacred Royal Majesty of Great Britain, and the Lords the States-General of the United Provinces, a Constant, Perpetual, and Inviolable Friendship and Correspondence, and that each Party shall be obliged to promote the Advantages of the other, and prevent all Inconveniences and Dangers that might happen to them, as far as lies in their Power: That the said Allies desiring nothing more earnestly than the Peace and general Quiet of all Europe, have adjudg'd, that nothing can be more effectual for the Establishment thereof, than the procuring an equitable and reasonable Satisfaction to His Imperial Majesty for his Pretension to the Spanish Succession, and that the King of Great Britain and the States-General may obtain a particular and sufficient Security for their Kingdoms, Provinces, and Dominions, and for the Navigation and Commerce of their Subjects: That the said Confederates therefore shall, in the first place, endeavour, by Amicable Means, to obtain the said Satisfaction; but if, contrary to their Expectations and Wishes, the same is not had, the same Confederates do engage and promise to one another, that they will assist each other with all their Forces, according to a Specification to be agreed upon in a peculiar Convention for that Purpose: That the Confederates, in order to the procuring the Satisfaction and Security aforesaid, shall, amongst other things, use their utmost Endeavours to recover the Provinces of the Spanish Low Countries, that they may be a Fence and Rampart, commonly call'd a Barrier, separating and dividing France from the United Provinces, for the Security of the States General, as they have serv'd in all Times, till of late that the Most Christian King has

seized them by his Forces ; as likewise the Dutchy of *Milan*, with its Dependencies, as a Fief of the Empire, and contributing to the Security of His Imperial Majesty's hereditary Dominions ; besides the Kingdoms of *Naples* and *Sicily*, and the Lands and Islands upon the Coast of *Tuscany* in the *Mediterranean*, that belonged to the Spanish Dominions, and may serve to the same Purpose, and will be also of Advantage to the Navigation and Commerce of the Subjects of the King of *Great Britain*, and of the *United Provinces* : That in case the Confederates shall be forced to enter into a War, for obtaining the Satisfaction aforesaid for His Imperial Majesty, and the Security of His Majesty of *Great Britain* and the States-General, they shall communicate their Designs to one another, as well in relation to the Actions of the War, as all other things wherein the common Cause is concern'd : That it shall not be permitted to either Party, when the War is once begun, to treat of Peace with the Enemy, unless jointly, and by a Communication of Counsels ; and no Peace shall be made, unless an equitable and reasonable Satisfaction for His Imperial Majesty, and the particular Security of the Kingdoms, Provinces, Dominions, Navigations, and Commerce, for His Majesty of *Great Britain*, and the States-General, be first obtained ; and unless care be taken, by fitting Security, that the Kingdoms of *France* and *Spain* shall never come and be united under the same Government, nor that one and the same Person shall be King of Both Kingdoms ; and particularly that the *French* shall never get into the Possession of the *Spanish Indies*, neither shall they be permitted to sail thither on the Account of *Traffick*, directly or indirectly, on any Pretence whatsoever : And lastly, unless full Liberty be granted unto the Subjects of the King of *Great Britain*, and the States General, to exercise and enjoy all the same Privileges, Rights, Immunities, and Franchises of Commerce, by Sea and Land, in *Spain*, the *Mediterranean*, and all Lands and Places which the King of *Spain* last deceased did possess at the Time of his Death, as well in *Europe* as elsewhere, which they used and enjoyed, or which the Subjects of both, or either of them by any Right acquired by Treaties, Agreements, Customs, or any other way whatsoever, might have used and enjoyed before the Death of the Late King of *Spain* : That, at the same Time that the said Agreement or
Peace

Peace shall be made, the Confederates shall agree among themselves about all the things that they shall think necessary for maintaining the Navigation and Commerce of the Subjects of Gr. Br. and the States-General, in the Lands and Dominions they may acquire, and that were possessed by the late Deceased King of Spain, and also in what manner the States-General may be secured by the aforesaid Fence or Barrier. And whereas His said late Majesty King William, and the States General, seriously considering, thas France was then become so formidable from the Accession of Spain to the Duke of Anjou, that, in the Opinion of all the World, Europe was in Danger of losing her Liberty, and undergoing the heavy Yoke of Universal Monarchy; and that the surest Means of effecting that Design, were to divide the King of Great Britain from the States-General; for which Purpose all imaginable Efforts would be made; they therefore thought it necessary to unite in the strictest manner that was possible; and to that End a Defensive Treaty and Alliance was concluded and enter'd into between them, in or about the Month of November, 1701; wherein it was, among other things, agreed, That in case the said High Allies should be jointly engaged in War, by reason of this defensive Alliance before-mentioned in the Fifth Article, or on any other Account, there shall be an Offensive, and Defensive, and Perpetual Alliance between them, against those with whom the War shall be, and all their Forces shall be employed by Sea and Land, and they shall act in conjunction or separately, as it shall be agreed between them. But since, in the Alliance with the Emperor, made in September last, particular Care was taken of the Recovery of the Spanish Low Countries out of the hands of the most Christian King, the said Confederates expressly engage to aid one another with all their Forces for the Recovery of the same. And in regard the principal Interest of the said Confederates consists in the Preservation of the Liberties of Europe, the before mentioned Treaty with the Emperor shall be faithfully and sincerely executed, and both Sides shall guaranty the same, and use their Endeavours to confirm and render it more strong from time to time: That in making Peace, particular care shall be taken of the Commerce and Traffick of both Nations, as also for their Security, as well in regard to the Low-Coun-

tries as the Countries adjacent : That when the War is begun, the Confederates shall act in concert, according to the seventh and eighth Articles of the Treaty of the 3d of March, in the Year of our Lord 1677 8 between *England* and *Holland*, which is hereby renewed and confirmed ; and no Peace, nor Truce, or Suspension of Arms, shall be negotiated or made, but according to the ninth and tenth Articles of that Treaty ; by whieh it was agreed, that when the two Allies come once to an open War, it shall be lawful for neither of them afterwards to come to any Cessation of Arms with him, who shall be declar'd and proclaim'd an Enemy, without it be done conjointly, and with common Consent : That no Negotiation of Peace shall be set on foot by one of the Allies, without the Concurrence of the other : That each Ally shall continually, and from time to time, impart to the other every thing that passes in the said Negotiation, and shall stipulate with the Common Enemy for the same Rights, Immunities, Exemptions, and Prerogatives for his Ally, as he does for himself, if so be the said Allies do not agree to the contrary. And whereas the *French* King having got Possession of a great part of the *Spanish* Dominions, exercised an absolute Authority over that Monarchy, having seized *Milan* and the *Spanish Low-Countries* by his Armies, and made himself Master of *Cadiz*, of the Entrance into the *Mediterranean*, and of the Ports of the *Spanish West-Indies* by his Fleets, every where designing to invade the Liberties of *Europe*, and to obstruct the Freedom of Navigation and Commerce ; and instead of giving the Satisfaction that ought justly to be expected, had proceeded to further Violences, and had taken on him to declare the Pretended Prince of *Wales*, King of *England*, *Scotland*, and *Ireland*, and had also influenced *Spain* to concur in the same Affront ; her late Majesty Queen *Anne* taking notice, that she found her self obliged, for maintaining the Publick Faith, for vindicating the Honour of the Crown, and to prevent the Mischiefs which all *Europe* was threatned with, to declare War against *France* and *Spain* ; did accordingly in the Month of May 1702. in the most publick and solemn manner, declare War against *France* and *Spain* ; and in the said Declaration, placing her intire Confidence in the Help of Almighty God, in so just and necessary

an Undertaking, declared, That she would, in conjunction with her Allies, vigorously prosecute the same both by Sea and Land, being assured of the ready Concurrence of her Subjects, in a Cause they had so openly and heartily espoused. And his Imperial Majesty and their High Mightinesses, pursuant to the Treaties aforementioned respectively, in or about the said Month of *May*, 1702, did likewise declare War against *France* and *Spain*. And whereas the Kings of *Portugal* and *Prussia*, the Electors of *Hanover*, *Saxony*, *Treves*, *Mentz*, Palatine of the *Rhine*, the Duke of *Savoy*, the Prince of *Hesse*, the Dukes of *Wolfembuttle*, *Mecklenberg*, and *Wirttemberg*, the Circles of *Suabia*, and *Franconia*, and of the *Upper Rhine*, the Bishops of *Munster* and *Constance*, and other Princes and Powers, being invited by the said Grand Alliance, and relying on the Faith thereof, did afterwards become Parties to the said Confederate War against *France* and *Spain*; and in the Treaty entred into in or about the Month of *May* 1703, between his Imperial Majesty, the Queen of *Great Britain*, the States General, and the King of *Portugal*, it is, amongst other things expressly stipulated, That no Peace nor Truce shall be made, but by the mutual Consent of all the Confederates; nor shall any, at any time, be made, whilst the second Grandson of the most Christian King by the Dauphin, or any other Prince of the Line of *France* continues in *Spain*, nor unless the Crown of *Portugal* shall fully possess and enjoy all the Lands, Kingdoms, Isles, Castles, Cities, Towns, &c. with their Territories and Dependencies in *Spain*, or elsewhere, which it now possesses. And in the Treaty of *Norelingen*, ratify'd by her late Majesty, it is, amongst other things, expressly agreed, that it shall not be allow'd to make particular Treaties, but the Peace shall be jointly treated of, and shall not be concluded without obtaining, as far as is possible, the Re Union of the Lands belonging to the Circles, and until at least the Security of the associated Circles be absolutely provided for, in the best manner that is possible, and better than it has formerly been. And whereas to give the greatest Strength that was possible to the Union, so necessary to both Nations, Her late Majesty and the States, by a Treaty in the Month of *June*, 1703, renewed and confirmed all Treaties and Alliances then subsisting between them; and therein it is, amongst

amongst other things, expressly and particularly stipulated, That as the said most Serene Queen, and the Lords the States-General, are now in War with *France* and *Spain*, and are reciprocally bound to assist each other, and mutually to defend, maintain, and preserve their Countries and Subjects in their Possessions, Immunities, and Liberties, as well of Navigation and Commerce, as other Rights whatsoever by Sea and Land, against and in Opposition to all Kings, Princes, and States, and particularly against *France* and *Spain*, to the end a just and reasonable Peace may the better be obtained, that may establish the Repose and Tranquility of *Europe*, it is agreed between the most Serene Queen of *Great Britain*, and the said Lords the States-General, that neither of the said Allies shall make a Suspension of Arms or a Peace with *France* or *Spain*, or any other King, Prince, or State, who shall molest or attack either of the said Allies, but in Conjunction and by common Consent. And whereas the said War was for several Years carry'd on with Vigour and Unanimity by her Majesty and her Allies, at a vast Expence both of Blood and Treasure; for the Support of which on the part of *England*, many Millions have been granted by Parliament, who, on many Occasions since, continu'd not only to express their Sense of the Justice and Necessity of the War, but did frequently give their humble Advice to the Throne, That no Peace could be Safe, Honourable, or Lasting, so long as the Kingdom of *Spain* and the *West-Indies* continu'd in the possession of any Branch of the House of *Bourbon*. And whereas it pleased Almighty God to grant to the Confederate Arms under the Command of their Great and Victorious General the Duke of *Marlborough*, such unparalleled Successes, as exceeded even their own Hopes and Fears of the Enemy; and by the many signal Victories of *Schellenberg*, *Hochstedt*, *Audenarde*, and *Kamillies*, as well as by the Conquests of the Electorates of *Bavaria* and *Cologne*, and the Reduction of the *Spanish Netherlands*, and many other great Advantages both by Sea and Land; and by the Wisdom and Unanimity of their Counsels, the Glory of the Confederate Arms, and the Reputation of *Great Britain* in particular, was rais'd to an higher pitch than in any former Age. And whereas her late Majesty, in conjunction with her Allies, wisely foreseeing that whenever the Enemy should

Should be brought to make Overtures of Peace, the surest way to put an end to the War, and prevent *France* from putting in practice her usual Intrigues, was by previously insisting on such Conditions from *France*, that nothing might remain to be done in a General Assembly, but to give them the Form of a Treaty ; and for those Reasons a Preliminary Treaty was concluded on, and was afterwards sign'd by the Plenipotentiaries of his Imperial Majesty, of her late Majesty the Queen of *Great Britain*, and of the Lords the States General of the United Provinces, and afterwards ratify'd by their Principals ; wherein the Interests of the several Allies were adjusted, in order to a General Treaty of Peace with *France* : and therein, the Restitution of the *Spanish Monarchy* to the House of *Austria*, being one of the chief Causes for carrying on the War, is laid down as an immutable Foundation among the Allies, And whereas in the Year of our Lord 1709, the King of *France* having first signify'd his Consent to the Restitution of the *Spanish Monarchy* to the House of *Austria*, sent his Ministers to the *Hague* to treat with the Ministers of the Principal Allies on a General Peace ; and in the Conferences held thereupon, the Interests of all the Allies, as adjusted in the said Preliminaries, were positively and expressly agreed to by the Ministers of *France*, and particularly that of the Restitution of the entire *Spanish Monarchy* to the House of *Austria* ; and the said Negotiation was afterwards broke, on no other Dispute but on the thirty seventh Article of the Preliminary Treaty, concerning the Time and Manner of evacuating *Spain*. And whereas the Conferences being resumed at *Gertruydenbergh*, in the Year of our Lord 1710, the said thirty seventh Article became the only Subject of the Negotiation which was there set on foot, for the finding out some Equivalent by which the same Security might be given to the Allies, as they had by the thirty seventh Article of the said Preliminaries ; and tho' it was unquestionable, that before any Negotiation was begun, that while the Preliminaries were treating, that by those Preliminaries themselves, that before the last Negotiation was resumed, and all the while it lasted, the Restitution of *Spain* and the *Indies* was laid down as a firm and immovable Foundation of the Negotiation, and no question remained concerning it with the Ministers of the Allies or those

those of *France*, but touching the Security for its Execution: and tho' all reasonable and pru'ent Overtures were made by the Allies for settling an Equivalent, yet the Conferences were broke off by *France* without any Satisfaction therein. And whereas the sincere Intentions of all the Allies to have settled the Peace of *Europe* on solid and equitâble Foundations were notorious and incontestable, and the Rupture of the said Negotiations could only be imputed to the Enemy; her sacred Majesty, in conjunction with her Allies, renewed their Resolutions to continue and push the War with Vigour, and to make all possible Efforts, as the only means left to force a good and general Peace. And her Majesty in her Speech from the Throne, on the fifteenth of *November*, 1709, taking notice of the Endeavours of the Enemy during the said Negotiations to amuse and create Jealousies among the Allies, declared her Resentment thereat, and earnestly recommend the carrying on the War, and a vigorous Prosecution of the Advantages obtained, that she might put the last hand to that Great Work of reducing the Exorbitant and Oppressive Power which had so long threatned the Liberties of *Europe*: And it having pleased Almighty God, after the said Preliminary Treaty, to bless the Confederate Army under the Command of their Consummate General the Duke of Marlborough with new and signal Conquests, the Reduction of *Tournay*, the Victory of *Tasnieres*, the taking of *Mons* and *Doway*, *Bethune*, *St. Venant* and *Aire*, and the penetrating the Lines near the *Scarpe*. And whereas from the prosperous Condition of the Affairs of the Allies, and the Wisdom, Firmness, and Unanimity of their Counsels, nothing remained, in all human Appearance, but that they should reap the Fruits of all their Victories, in a speedy, just, honourable, and lasting Peace; and on the other hand nothing was left to raise the Hopes of the Enemy, whereby to defeat that happy Prospect, but the Success of their secret Endeavours to dis unite the Confederacy. And whereas *Robert Earl of Oxford* and *Earl Mortimer*, with other evil-minded Persons, Enemies to the true Interests of their own Country, as well as to the Common Liberties and Welfare of *Europe*, having by many wicked Arts and base Insinuations obtained Access to her late Majesty *Queen Anne*, and in or about the Months of *July* or *Auguft*, 1710 being admitted into her Councils

Councils, and into Places of the highest Trust ; and to make way for their wicked Enterprizes, did by their evil Counsel and Advice, prevail on Her Majesty to dissolve a Parliament which had given the most unquestionable Proofs of their great Wisdom, and of their true Zeal for the Common Cause ; for which, as well as for the many Marks of Duty and Affection given to her, Her Majesty return'd her hearty Thanks, and express'd her great Satisfaction. And whereas the said *Robert, Earl of Oxford and Earl Mortimer*, and others his Accomplices, had formed a treacherous Correspondence with the Emissaries of *France*, by means whereof certain Propositions were transmitted from *France* to *England*, sign'd by *Monsieur de Torcy*, Secretary of the King of *France*, in the Month of *April, 1711*, to be the Basis of a Treaty of a General Peace ; which Propositions, tho' Her Majesty was prevail'd on by the false Counsels of the said *Robert, Earl of Oxford and Earl Mortimer*, and others, to receive as a sufficient Foundation for a Treaty of a General Peace, and as such to communicate them to the Grand Pensionary and the Ministers of *Holland*, Her Majesty however was graciously pleas'd, at the same Time, to declare to them her Pleasure by her Secretary of State, That being resolv'd, in making Peace as in making War, to act in perfect Concert with the States, she would not lose a Moment in transmitting a Paper of that Importance ; and that tho' the Propositions were general, and contain'd an Air of Complaisance to Her Majesty, and the contrary towards the States ; yet that could have no ill Consequences, as long as Her Majesty and the States understood one another, and acted with as little Reserve as became Two Powers so nearly ally'd in Interest ; and that the Pensionary should be assur'd, that that Rule should be inviolably kept on our Part. Which Gracious Declaration of Her Majesty, as well as the said Propositions, being maturely consider'd by the Grand Pensionary and the Ministers of *Holland*, an Answer was return'd from them to Her Majesty, full of Duty and Thankfulness for the obliging manner in which she was pleas'd to communicate the said Propositions, and with the utmost Assurances of Mutual Confidence, so necessary to prevent the Designs of the Enemy ; but that more particularly the States desir'd, equally with *Great Britain*, to have a General, Definitive, and Lasting Peace, and declar'd that they were ready to

join in all the most proper Measures to procure it ; that the Propositions were yet too general ; and that the States desire, as *Great Britain* did, that *France* would explain her self more particularly upon the Points therein contain'd, and impart a Plan which she thinks the most proper to secure the Interest of the Allies, and settle the Repose of *Europe* ; after which a more particular Negotiation might be enter'd into. Notwithstanding all which Premises,

ARTICLE I.

HE the said *Robert, Earl of Oxford, and Earl Mortimer*, having no Regard to the Honour or Safety of Her late Majesty or her Kingdoms, or to the many solemn Engagements she was then under to the old and faithful Allies of this Nation, or to the common Liberties of *Europe* ; but being devoted to the Interest and Service of the *French King*, the Common Enemy ; and being then Lord High Treasurer of *Great Britain*, and one of Her Majesty's most Honourable Privy Council, contrary to his Oath, and in Violation of his Duty and Trust, and in Defiance of the Tenour of the several Treaties aforesumption'd, or some of them, as well as of the frequent Advices of Parliament, and the many Declarations of Her Maj. from the Throne ; but more particularly in Defiaunce of the solemn and mutual Assurances which had been so lately renew'd between Her Maj. and the States, to act in perfect Concert with them in making Peace as in making War, did on or about the Months of *Jul.* or *Aug.* in the Year of our Ld. 1711, maliciously and wickedly form a most treacherous and pernicious Contrivance and Confederacy with other evil-disposed Persons, then also of Her Majesty's Privy Council, to set on foot a Private, Separate, Dishonourable, and Destructive Negotiation of Peace, between *Great Britain* and *France*, without any Communication thereof to Her Majesty's Allies, according to their several Treaties ; and was not only wanting in his Duty and Trust to Her Majesty, by not opposing, and, as far as was in his Power, by not advising Her Majesty against going into any Private Separate Negotiation with *France* ; but in Execution of his Purposes aforesaid, he the said *Robert, Earl of Oxford and Earl Mortimer*, did advise Her late Majesty to send *Matthew Prior, Esq;* directly to the Court of *France*, to make Propositions of Peace, without

without communicating the same to Her Majesty's Allies. And accordingly the said *Mauthem Prior*, by the Advice, and with the Privity of him the said Earl of *Oxford* and Earl *Mortimer*, and other false and evil Counsellors, in or about the Months of *July* or *August*, in the Year of our Lord 1711, was sent in a clandestine manner from *England* to *France*, and did communicate the said Propositions of Peace to the Ministers of *France*; in which the particular Interests of *Great Britain*, as well as the common Interests of *Europe*, were shamefully betray'd: And in manifestation of his said Design to exclude Her Majesty's Allies from their just Share in the said Negotiation, an express Article was inserted in the said Propositions, by the Privity and Advice of him the said *Robert, Earl of Oxford and Earl Mortimer*, that the Secret should be inviolably kept, till allow'd to be divulg'd by the mutual Consent of both Parties: Although the *French King* had, in the Propositions sign'd by *Monsieur de Torcy*, and transmitted in the Month of *April* preceding, offer'd to treat with the Plenipotentiaries of *England* and *Holland* alone, or jointly with those of the Allies, at the Choice of *England*. By which treacherous and dangerous Advice, he the said *Robert, Earl of Oxford and Earl Mortimer*, did not only contrive and set on foot a Negotiation of Peace more advantageous to *France* than even *France* it self had ask'd; but thereby did put it into the Power of the common Enemy to create incurable Jealousies and Discords between Her Majesty and her faithful Allies, and to destroy that Confidence which had so long and so successfully been cultivated between them, and which was so necessary for their common Safety.

ARTICLE II.

That the *French King* laying hold of the said treacherous Overture, set on foot in manner aforesaid, did in or about the Months of *August* or *September*, in the Year of our Lord 1711, send over *Monsieur Mesnager* into *England* to carry on a Clandestine and Separate Negotiation of Peace; which being made known to him the said *Robert, Earl of Oxford and Earl Mortimer*, he did afterwards, in the said Month of *September*, 1711, secretly and unlawfully, without any Colour of Authority, meet, confer, and treat with the said *Sieur Mesnager*, on the Negotiations of a Peace between *Great Britain* and *France*; and therein he did advise and promote

the making a Private and Separate Treaty or Agreement between the said Crowns: Which said Treaty or Agreement was afterwards, with the Privity, Consent, and Advice of him the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, agreed, concluded, and sign'd by the said Sieur *Mesnager*, on the Part of *France*, and by the Earl of *Dartmouth* and *Henry St. John*, Esq; Two of Her Majesty's Principal Secretaries of State, in Behalf of Her late Majesty, by Virtue only of Her Majesty's Sign Manual under the Signet, and without the least Knowledge or Participation of the Allies, In which Treaty the immediate Interests even of *Great Britain* are given up to *France*, and the Duke of *Anjou* is admitted to be King of *Spain*; an express Stipulation being therein made with the Sieur *Mesnager*, in the Name, and (as is therein alledg'd) pursuant to Powers from King *Philip* as King of *Spain*. Whereby he the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, did not only assume to himself Regal Power, in taking upon him to meet and treat with the Enemy without any Authority or Power from Her Majesty; but did what in him lay to subvert the ancient and establish'd Constitution of the Government of these Kingdoms, by introducing Illegal and Dangerous Methods of transacting the most Important Affairs of the State; and by which private and separate Treaty, he the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, did what in him lay to dissolve and cancel the many solemn Treaties Her Majesty then stood engag'd in to her good and ancient Allies, and whereby Her Majesty, even before any thing was finally settled for the Safety and Advantage of her Kingdoms, was brought to this fatal Dilemma; Either to submit to the Dictates of *France* in the Progres of the said Negotiation; or, so notorious a Breach of National Faith being divulgd by the Enemy, from thence to lose all future Confidence of her good Allies.

ARTICLE III.

That the said *Robert* Earl of *Oxford* and Earl *Mortimer*, the better to disguise and carry on the aforesaid private, separate, and dangerous Negotiation, did, together with other evil-dispos'd Persons, then in high Trust under Her Majesty, contrive and advise the preparing and forming a Set of General Preliminaries, intituled, *Preliminary Articles on the Part of France, to come to a General Peace*; and that the

the same should be sign'd by the Sieur *Mesnager* only. And the same being so prepar'd and sign'd by the said Sieur *Mesnager*, he the said *Robert*, Earl of *Oxford* and Earl *Mortimer* did, contrary to his Duty and Trust, impiously advise Her Sacred Majesty, that the same should be, and accordinly they were receiv'd by Her Majesty, and communicated to the Ministers of the Allies then residing in *England*, as the Ground of a General Negotiation of Peace, and as if the same were the only Transactions that had been on this Subject between *Great Britain* and *France*. And to this End, the private Treaty, sign'd as aforesaid by the Earl of *Dartmouth* and Mr. *St. John* on the Part of *England*, and by the said Sieur *Mesnager* on the Part of *France*, was by the evil Advice and Contrivance of him the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, and others, wilfully and industriously conceal'd not only from all the Allies, but even from Her Majesty's Council and her Parliament. And he did further advise Her Majesty not only to accept the said General Preliminaries, but in her Name and by her Authority to communicate the same to the States-General, as a sufficient Foundation whereon to open the Conferences of Peace with *France*. And the more effectually to cover from the States General the pernicious Steps which his evil Influence had engag'd Her Majesty in with the common Enemy, certain Instructions were prepar'd, and by his Counsel and Advice were sign'd by Her Majesty, and deliver'd to the Earl of *Strafford*, her Ambassador to the States-General ; wherein the said Earl of *Strafford* is directed to represent to the Pensionary of *Holland*, and to such others as shall be appointed to confer with him, That when Her Majesty had receiv'd in *May* last, by his Excellency's Dispatches, an Account of the Sense which those among them, who were at that Time in the Secret, had of the Overtures made by *France* for setting a General Negotiation of Peace again on foot, and of the Answer which it was desir'd might be return'd to the Propositions sign'd by Mr *de Torcy*; Her Majesty did immediately acquaint the Enemy, that their Offers were thought by her and by the States General neither particular nor full enough : And therefore that Her Majesty did insist, that they should form a distinct Project of such a Peace as they were willing to conclude. Whereas no such Instances had been made to the Enemy on

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Her Majesty's behalf; but on the contrary, notwithstanding Her Majesty had declar'd that the Propositions of Monsieur *de Torcy* were thought by her and the State-General neither particular nor full enough, yet without any further Explanation from the Enemy, Her Majesty was prevail'd on, in manner aforesaid, to send over Propositions to *France* as general and insinuating, and in all respects as destructive to the Interests of *Great-Britain* and her Allies, as the Propositions of Monsieur *de Torcy*. And the said General Preliminaries, communicated to the States in manner aforesaid, were calculated only to amuse and deceive them into a General Negotiation with *France*. And in the Particulars abovesaid, as well as in the several others, the said Instructions contain'd Matters either false or grossly prevaricating and evasive. By which most wicked Counsels of him the said *Robert, Earl of Oxford* and *Earl Mortimer*, that unquestionable Truth and Sacredness which by the Laws of Nations ought to accompany and constitue the Instructions of publick Ambassadors to Princes in Friendship and Confederacy against the Common Enemy, was most vilely prostituted to the most dangerous Purposes, to deceive and mislead Her Majesty's good Allies in matters of the greatest Importance to their own Interests, and the Interests of these Kingdoms; the Honour of Her Majesty's Sacred Person, and of the Imperial Crown of these Realms, which had been rais'd to the highest Pitch of Glory abroad, and had been justly held in Veneration with her good Allies, was scandalously debas'd and betray'd; and the Royal Hand, by the wicked Arts of him the said *Robert, Earl of Oxford* and *Earl Mortimer*, was made the Instrument to advance the Interest of the Common Enemy.

A R T I C L E IV.

That whereas the Earl of *Strafford*, pursuant to his said Instructions, had communicated the Preliminaries sign'd by Monsieur *Mesnager* only to the States-General, who being justly alarm'd at the pressing Instances made on the Part of Her Majesty, that Conferences should be open'd on Propositions as general and uncertain as those so lately offer'd by *France*, and sign'd by Monsieur *de Torcy*; and their High Mightinesses having been unsuccessful in their Remonstrances to the Earl of *Strafford* and opening the Conferences upon

upon the said Propositions, did send over Monsieur *Buys* their Ambassador, to represent to Her Majesty, as well the Hazard of meeting the Ministers of *France* befor the essential Articles were first settled by special Preliminaries, or at least explain'd by *France*, and made Specifick ; as likewise the Advantages to the Enemy, who being but one Body, were influenc'd by one Council, and directed by one Power, whereas the Confederates consisted of several Powers, whose Interests are not only distinct, but in many Cases contrary to each other, whereby the *French* woold have a faire Opportunity to divide the Allies, when it would be impossible for them to break in upon *France* ; and further to represent, that the Propositions themselves were in some Instances very prejudicial, particularly in the Articles of Commerce, *Dunkirk*, and the Union of the Crowns of *France* and *Spain*. All which Representations of the said Monsieur *Buys*, by the evil Influence of him the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, and others, were render'd ineffectual ; but in order to prevail upon the States-General to open the Conferences upon the said General Preliminaries, by the Management and Contrivance of him the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, and others, an Occasion was taken to declare to Monsieur *Rays*, at a Committee of Council in Her Majesty's Name, her constant Affection and good Disposition to their State, and to the promoting their Interest, and to treat with their High Mightinesses with a perfect Confidence and Harmony : And at the same Time he the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, did then falsly and maliciously declare, or was privy to advising and consenting, that it should be, and so it was declar'd, in Her Majesty's Name, that she had made no Separate Treaty with *France*, nor ever would make any before she had fully comply'd with all Engagements to her Allies, and that each of them should have Opportunity to make good their Pretensions.

By which false, scandalous, and dishoncurable Assurances, he the said *Robert*, Earl of *Oxford* and Earl *Mortimer* did not only highly Dishonour Her Majesty, by whose Privity the said Separate Treaty with *France* had been before that Time concluded and sign'd ; but their High Mightinesses, the good Friends and Ancient Allies of Her Majesty, were grossly abus'd and thereby induc'd to enter into a Negotiation

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with France, so dangerous in it self, and so fatal in its Consequences.

A R T I C L E V.

That Her Sacred Majesty Queen *Anne* having in due Form of Law, and under her Great Seal, constituted the Right Reverend *John Lord Bishop of Bristol*, and the Earl of *Strafford*, her Plenipotentiaries, with full Powers to meet, treat, and conclude with the Plenipotentiaries of the Confederates, and those whom the *French King* shall on his Part depute for that Purpose, the Conditions of a good and general Peace, that shall be safe, honourable, and, as far as is possible, agreeable to the reasonable Demands of all Parties ; he the said *Robert, Earl of Oxford and Earl Mortimer*, not contenting himself to abuse the Royal Authority, to the Delusion of the States General, the nearest Allies of the Queen, but intending the Universal Prejudice of his Imperial Majesty, and all the Allies of these Kingdoms, and thereby the more successfully to carry on the Measures of *France*, wherein he was then engag'd, contriv'd and prepar'd Instructions, or was privy to consenting and advising the same, for Her Majesty's said Plenipotentiaries, which she was prevail'd upon by the said *Robert, Earl of Oxford and Earl Mortimer*'s evil Counsel to sign, and the same were deliver'd to the said Plenipotentiaries ; wherein among other Things they are Instructed to the effect following, *viz.* If it shall be thought proper to begin by the Disposition of the *Spanish Monarchy*, you are to insist that the Security and reasonable Satisfaction which the Allies expect, and which his most *Christian Majesty* has promis'd, cannot be obtain'd, if *Spain* and the *West Indies* be allotted to any Branch of the House of *Bourbon* : Whereas the said *Robert, Earl of Oxford and Earl Mortimer* had at that Time privately and treacherously negotiated and agreed with the Ministers of *France*, That *Spain* and the *West Indies* should remain in a Branch of the House of *Bourbon*, and had prevail'd on Her Sacred Majesty to be Party to the said private Treaty, wherein the same is necessarily imply'd. And the said Plenipotentiaries are further instructed, in case the Enemy should object, as the Imperial Ministers had done, that the Second Article of the Seven sign'd by the Sieur *Mesnager* implies, that the Duke of *Anjou* shall continue on the Throne of *Span* ; you are

are to insist, that those Articles, as far as they extend, are indeed binding to *France*, but that they lay neither us nor our Allies under any positive Obligation: Whereby the said *Robert*, Earl of *Oxford* and Earl *Mortimer* basely enter'd into a Confederacy and Collusion even with the Ministers of the Enemy, and prevail'd on Her Majesty to give her Royal Consent thereto, the more effectually to impose on His Imperial Majesty and all the Allies, and to conceal the said Secret Negotiations, and the Separate Treaty that had been agreed on between *Great Britain* and *France*. And the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, not only in the Particulars before mention'd, but in many others contain'd in the said Instructions, has brought a lasting Reproach on the Crown of these Realms, and grossly violated the many Treaties wherein Her Sacred Majesty was then engag'd to her Allies, to act in perfect Concert with them throughout the Negotiations of Peace.

A R T I C L E VI.

That the Conferences of Peace being open'd between the Plenipotentiaries of the Allies, and those of the Enemy, for the negotiating a General Peace upon the mutual and most solemn Engagements amongst the Allies, not only to act in perfect Confidence with each other, but to promote their Common Interest, and to obtain from the Enemy all just and reasonable Satisfaction; and a Specifick Explanation of the General Preliminaries having been given in by the Enemy at *Utrecht*, whereon the Allies delivered their respective Demands; by the Artifices of *France*, and the secret Encouragement and Concurrence of the Ministers of *Great Britain*, the Progress of the said Publick Negotiation was delayed and kept in suspence, under pretence of the Enemy's refusing to give their Answer in Writing: During which Time, he the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, again assuming to himself Regal Power, in Derogation of the Royal Authority, to treat of Peace with *France*, which was then delegated under the Great Seal of *Great Britain* to Her Majesty's Plenipotentiaries at *Utrecht*, and for the promoting the Design of the Enemy, to the apparent Destruction of the Common Cause of Her Majesty and her Allies, contrary to the known Laws and Constitution of this Kingdom, in direct Violation of the several Alliances

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Her

Her Majesty then stood engaged in, and in Opposition to, the many Assurances given by Her Majesty to act in Concert with her Allies, and in Defiance of the express Instructions given to her said Plenipotentiaries ; was not only wanting in his Duty to Her Majesty, as far as in him lay to have put an End to, and prevented any further private and unlawful Negotiations with *France*, bat did, with others his Accomplices, advise, concur, continue, and promote a private, separate, and unjustifiable Negotiation with *France*, directly from *England* to *France*, without any Communication thereof to the Allies ; and in such private Negotiations did concert with the Ministers of the Enemy, Terms of Peace highly Prejudicial to the Interest of Her Majesty and her Kingdoms, and of all her Allies, and whereby the good Effects of the said General Negotiations were entirely defeated.

A R T I C L E VII.

That Her Sacred Majesty Queen *Anne* having been prevailed on by the false Counsels of him the said *Robert*, Earl of *Oxford* and Earl *Mortimer* to accept of a Treaty with *France*, on the Supposition that the Spanish Monarchy should continue in the Possession of a Branch of the House of *Bourbon* ; and it being acknowledged even by the French King in the General Preliminaries signed by Monsieur *Mesnager*, that the Excess of Power from the Re-union of the Crowns of *France* and *Spain* would be contrary to the good and general Repose of Europe : He the said *Robert*, Earl of *Oxford* and Earl *Mortimer* having nothing so much in View, as the aggrandizing the Common Enemy, yet always intending to cover the Iniquity of his Heart under specious Pretences and false Appearances, did wickedly and treacherously advise and carry on a private and separate Negotiation with *France*, on the Subject of a Renunciation of his Right to the Kingdom of *France* by the Duke of *Anjou*, and that such Renunciation should be the Security against the Re-union of the Two Kingdoms. And by the Influence of his evil Counsels Her Majesty was prevailed on to accept and finally to conclude and ratify a Treaty of Peace with *France*, wherein the laid Renunciation is taken as a sufficient Expedient to prevent the Mischiefs that threatened all Europe, in case the Crowns of *France* and *Spain* should

should be united upon the Head of one and the same Person ; altho' he the said *Robert, Earl of Oxford* and *Earl Mortimer*, well knew, that a Memorial had been, during the said Separate Negotiation, transmitted by Mr. *de Torcy*, Secretary of State and Minister to the French King, to one of Her Majesty's Principal Secretaries of State, whereby it was declared, that the said Renunciation would be null and invalid by the Fundamental Laws of France ; which Laws were looked upon as the Work of Him who had establish'd all Monarchies, and which He only could abolish ; and that no Renunciation therefore could destroy it : And if the King of Spain should renounce, they would deceive themselves that should receive it as a sufficient Expedient to prevent the Mischieff proposed to be avoided. By which false and treacherous Counsels, he the said *Robert, Earl of Oxford* and *Earl Mortimer*, did not only betray the Interests of the Common Cause into the Hands of the most formidable Enemy, but wilfully and maliciously abused the Power and Influence which he had obtained with Her Majesty, so far as to engage Her Sacred Majesty, and the Honour of the Imperial Crown of these Kingdoms, to become Party with France in so fatal a Deceit.

A R T I C L E VIII.

That Her Late Majesty Queen *Anne* having on the Seventh Day of *December*, in the Year of our Lord 1711, earnestly recommended it from the Throne, That Provision might be made for an early Campaign; in order to carry on the War with Vigour, and as the best way to render the Treaty of Peace effectual ; in order to which, vast Supplies were granted, and Magazines provided at a great Expence for an early Campaign ; and in pursuance thereof, Her Majesty having sent her Generals, *Lumley* and *Cadogan*, to give early Assurances to her Allies of her sincere Intentions, and likewise expressly instructed her General, the Duke of *Ormonde*, not only to renew the same Assurances, and declare her Resolutions of pushing on the War with the utmost Vigour, but to concert with the Generals of the Allies the proper Measures for entring on Action ; and the Confederate Army, which at that Time was the Finest and Strongest that had been in the Service during the whole Course of the War, and provided with all Necessaries to act with Vigour,

having march'd, according to the Resolution taken in Concert with Her Majesty's General, almost up to the Enemy, with a great Superiority both as to the Number and Goodness of Troops, and animated with a noble Courage and Zeal to acquit themselves bravely; so that in all human Appearance, and with the Divine Assistance, which had appeared so visibly for them on many other Occasions, they would have been able, either by Battel or Siege, to have gained great Advantages over the Enemy, to have bettered the Affairs of the Allies, and to have facilitated the Negotiations of Peace: And the Ministers of *France* having frequently and earnestly represented to the said *Robert, Earl of Oxford* and *Earl Mortimer*, and other his Accomplices, during their secret Negotiations, their just Apprehensions from the Bravery and good Disposition of the Confederate Army; he the said *Robert, Earl of Oxford* and *Earl Mortimer* being truly informed of the sure Prospect which, by the Blessing of God, the Army of the Confederates then had, of gaining new Conquests over the Army of *France*, and whereby they would have been enabled to have forced Terms of Peace, Safe, Honourable, and Lasting; in order to disappoint those Comfortable Expectations of the Allies, and to give Success to his secret Negotiations with the Ministers of *France*, was privy to, consenting and advising, together with other false and evil Counsellors, and together with them did advise and consent, that an Order should be sent, in Her Majesty's Name, to the Duke of *Ormonde* in *Flanders*, to avoid engaging in any Siege, or hazarding a Battel, till further Orders; altho' nothing had then been settled in the said private Negotiations for the Interest and Security of *Great Britain*; and altho' *Philip King of Spain* at that Time had not consented to the Renunciation of his Right to the Crown of *France*. And not contenting himself with having obtained that fatal Step, so highly advantageous to the Cause of *France*, but being wickedly determined to do all that in him lay to dissolve the whole Confederacy, he the said *Robert, Earl of Oxford* and *Earl Mortimer*, with others, was privy to, and did consent and advise, that Orders should be sent to the Bishop of *Bristol*, one of Her Majesty's Plenipotentiaries then at *Virecht*, to take the first solemn Opportunity to declare to the Dutch Ministers,

Ministers, that Her Majesty look'd on her self from their Conduct to be then under no Obligation whatsoever to them : Which Two Declarations giving just Alarm to all the Allies, they represented to the Bishop of *Bristol* their general Dissatisfaction, and the unexpressible Consternation they were all in ; that these Proceedings were the unavoidable Ruin of *Europe* : They urged Religion, Liberty, and the Faith of Treaties, to shew the Enormity of this Usage ; and the States expressed their Uneasiness on no account so much, as that they could not come to the knowledge of their own Lot. Which Representation the Bishop of *Bristol* did, at the Instance of the Allies, signify to one of Her Majesty's Principal Secretaries of State ; but their High Mightinesses finding that all Applications to the Ministers of *Great Britain*, and in particular to the said *Robert, Earl of Oxford* and *Earl Mortimer*, were of no Avail against *France*, and for the Interest of the Common Cause, thought it necessary, in a manner the most moving and respectful, to address directly to Her Majesty by a Letter of the Fifth of June, 1712; therein expressing their great Surprize and Affliction at the Two Declarations afore-mentioned ; and finding it difficult to conceive how such Declarations, so prejudicial to the Common Cause, given so suddenly without their Knowledge, and undoubtedly too without the Knowledge of the other Allies, could agree and consist with the Nature of an Alliance, and with those Assurances and Engagements Her Majesty had so lately made, and not knowing how to reconcile it with the great Goodness and Kindness which Her Majesty had always honoured them with, and not being able to concieve how such a sudden Change could happen with respect to them, having carefully examined their own Conduct, and finding nothing therein that could have given Ground to Her Majesty's Dissatisfaction : And having represented the visible and immediate fatal Consequences of the said Two Orders, not only to the Common Interest of Her Majesty and the States, but to the whole Confederacy, and to the *Protestant* Religion ; they beseeched Her Majesty, with all the Respect, and all the Earnestness they were capable of, that she would not persist in the Declarations made by the Bishop of *Bristol*, and would be pleased to revoke the Orders given to the Duke of *Ormonde*, and would authorize

him

him to act according to Occurrences, and as the Exigency of the War, and the Advancement of the Common Cause should require. Notwithstanding which, he the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, being acquainted with the said Representations of the States, was not only wanting in his Duty to Her Majesty, and to his Oath, and the great Trust reposed in him, in not advising, as he ought to have done, Her Sacred Majesty to have hearken'd to the said several Instances made to her ; but persisting in his desperate and destructive Measures, for the Advancement of the Interest of the common Enemy, did afterwards advise Her Majesty to disregard and reject the same, and did countenance, encourage, advise, and promote the said Private, Separate, and Wicked Negotiations with *France*, without any Participation of the Allies, contrary to all Her Majesty's Engagements, and to the apparent Ruin of the Common Cause. By which several wicked and perfidious Counsels, the Progress of the victorious Arms of the Confederates was stopped, and an Opportunity lost for conquering the Enemy, the most Favourable, in the Opinion of all the General Officers and the Quarter Masters of the Allies, who were sent out to view the French Camp ; and whereby all Hopes of Confidence between Her Majesty and her Allies was entirely destroyed, and the French King made absolute Master of the Negotiations of Peace, and the Affairs of Europe given into his Hands.

A R T I C L E IX.

That to impose upon the Allies the fatal Necessity of submitting to the Terms of *France*, and, in order thereto, to leave the whole Confederate Army at the Mercy of the common Enemy, he the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, was privy and consenting to a Secret and Separate Concert with the Ministers of *France*, without the Knowledge of the Allies, for the separating the Troops in Her Majesty's Pay from the rest of the Confederate Army : For the effecting whereof, instead of preventing as far as in him lay so fatal a Step, he was not only wanting to advise against so unwarrantable a Proceeding, but did consent to and advise Her Majesty, that the Duke of *Ormonde*, and all the Troops then in Her Majesty's Pay, or such of them as would obey his Orders, should separate themselves from the Army

of the Confederates : And having Notice that the Generals of the Auxiliaries, paid by Her Majesty, whose Honour and Consciences would not permit them to abandon the Confederates, and leave them as a Sacrifice to *France*; but for the Stake of the common Interest of *Europe*, and according to the true End and Design of their Conventions, did refuse to withdraw with the Duke of *Ormonde*, without particular Orders from their respective Masters; he the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, being then Lord High Treasurer of *Great Britain*, and one of Her Majesty's Most Hon. Privy Council, in Violation of his Oath, and the Duty and Trust reposed in him, did take upon himself an arbitrary and illegal Power, to refuse and put a Stop to the Pay and Subsidies due on Account of the said foreign Troops, altho' they were intitled thereto by the Conventions entered into with Her Sacred Majesty, and by express Provision made by A& of Parliament for the Payment of the same. By which fatal Separation, which, pursuant to his evil Counsels, was afterwards made, great Numbers of the Confederate Troops, who had before, on many Occasions, signaliz'd themselves in the Defence of the Cause of *Europe*, soon afterwards, at the unfortunate Action of *Denain*, fell as sacrifices to the Fury and Revenge of *France*; the Siege of *Landrecy* was raised; the important Towns and Fortresses of *Quesnoy*, *Bouchain*, and *Douay*, were retaken by the French Army; and not only the Fortune of the War, but the Fate of *Europe*, decided in Favour of *France*.

ARTICLE X.

That in further Execution of his pernicious Designs, to compleat the Destruction of the Common Cause of *Europe*, and to render it impracticable for Her Majesty to resume the War against *France*, in Conjunction with her Allies, or to recover the Union with Her Majesty's old and faithful Allies, so necessary to the Preservation of these Kingdoms; he the said *Robert*, E. of *Oxford* and E. *Mortimer*, then Lord High Treasurer of *Great Britain*, did carry on and concert with the Ministers of *France*, a Private and Separate Negotiation for a General Suspension by Sea and Land, between *Great Britain* and *France*; and to that End, among others, did advise Her Majesty to send over *Henry*, Visc. *Eolingbroke*, One of her Principal Secretaries of State, to the Court of *France*, with

with Powers to settle the said Suspension. In pursuance of which, a destructive Treaty of Suspension was made in France on the Nineteenth of *August N. S.* 1712, by the said *Henry, Viscount Bolingbroke*, on the part of Her said Majesty, for Four Months, without the Knowledge or any Participation of the Allies, and before any Terms of Peace were settled with the Enemy, either for *Great Britain* or the Allies. By which evil Counsels, the express Terms of several of the aforementioned Treaties were expressly contravened and broken, the good Friends and ancient Allies of Her Majesty and these Kingdoms, were totally depriv'd of the just Assistance to which they were thereby intitled, and were left expos'd to the Insults of the common Enemy ; and the Sacred Ties of Union and Friendship between Her Majesty and her Allies being cut asunder, Her Majesty's Person and Government, the Safety of her Kingdoms, and the Protestant Succession to the Crown of these Realms, were left expos'd to the Enterprizes of her most formidable Enemy.

A R T I C L E XI.

That whereas the States-General of the *United Provinces* were, in or about the Month of *September* or *October*, in the Year of our Lord 1712, in Possession of the strong and important Town and Fortres of *Tournay* : And whereas the French King had, during the Course of the said private, separate, and traiterous Negotiation, between him the said *Robert, Earl of Oxford and Earl Mortimer*, and others, and the Ministers of *France*, signify'd his Consent to the Ministers of *Great Britain*, that the said Town and Fortres of *Tournay* should remain to the said States General as Part of their Barrier : And whereas Her Majesty, in Her Instructions of *December* the Twenty Third, 1711, to her Plenipotentiaries at *Utrecht*, had expressly directed them to insist with the Plenipotentiaries of *France*, in the General Congress, That towards forming a sufficient Barrier for the States-General, *Tournay* should remain to Their High Mightinesses ; and did afterwards declare her self conformably thereunto, in her Speech to both Houses of Parliament, on the Sixth of *June* 1712, in which she communicated to them the Terms whereon a Peace might be made. And whereas for several Years before, and till the said Months of *September* and *October*, in the Year of our Lord 1711, there was open

open War between her late Majesty and the *French King*, and the said War continuing for all the said Time, and afterwards, the said *French King* and his Subjects were Enemies to Her Majesty: He the said *Robert, Earl of Oxford and Earl Mortimer*, then Lord High Treasurer of *Great Britain*, and a Subject of Her Majesty's, not considering the Duty of his Allegiance, but having altogether withdrawn the cordial Love, and true and due Obedience, which every true and faithful Subject owed to Her said Majesty, and designing to give Aid and Succour, and to adhere to the said *French King*, did, in or about the Month's of *September or October, 1712*, during the said War, falsely, maliciously, wickedly, and traiterously aid, help, and assist, and adhere to the *French King*, than an Enemy to her late Majesty: and in execution and performance of his said aiding, assisting, and adhering, maliciously, falsely, and traiterously did counsel and advise the said Enemy, in what manner and by what methods the said important Town and Fortress of *Tournay*, than in possession of the States-General, might be gain'd from them to the *French King*, contrary to the Duty of his Allegiance, and the Laws and Statutes of this Realm.

A R T I C L E XII.

That whereas her late Majesty Queen *Anne*, not only in pursuance of the Treaties she stood engaged in to her good Allies, and in particular to his Imperial Majesty, for the Recovery of the Monarchy of *Spain* to the House of *Austria*, thereby to preserve a due Ballance of Power in *Europe*, but also from her just Resentment against the Duke of *Anjou*, who then stiled himself King of *Spain*, and who, in defiance of her Majesty's Title to the Crown, had acknowledg'd the Pretender as King of *Great Britain*: and on these just Foundations her Majesty had, in vindication of the Honour of the Crown, and in justice to her People, at a vast Expence of Blood and Treasure, and on the earnest and repeated Advices of her Parliament, prosecuted a vigorous War against the said D. of *Anjou*. And whereas, in the Years of our Lord 1710, 1711, 1712. the said open, bloody, and expensive War was carried on between her said late Maj. Queen *Anne*, and the said Duke of *Anjou*, and during all the time aforesaid the said War did continue, and for all that time the said Duke of *Anjou*, and the Subjects of *Span*

adhering to him, were Enemies of her late Majesty : He the said Robert Earl of *Oxford* and Earl *Mortimer*, then Lord High Treasurer of *Great Britain*, and one of her Majesty's Privy Council, and a Subject of her said Majesty, not considering the Duty of his Allegiance, but having withdrawn his true Obedience from her said late Majesty, did at several times, in the said Years of our Lord, 1710, 1711, and 1712, falsely, maliciously, wickedly, and traiterously, aid, help, assist, and adhere to the said Duke of *Anjou*, then an Enemy to her said late Majesty ; and in the execution and performance of his said aiding, helping, assisting and adhering, and in Confederacy and Combination with the then Enemies of her late Majesty, and with divers other wicked and evil-disposed Persons, did at several times, in the Years aforesaid, advise and counsel the Enemies of her late Majesty ; and in such counselling and advising, did concert with them, and did promote the yielding and giving up *Spain* and the *West-Indies*, or some part thereof, to the said Duke of *Anjou*, then in enmity with her Majesty, against the Duty of his Allegiance, and the Laws and Statues of this Realm.

A R T I C L E XIII.

That whereas the Riches, Power, and Strength of these Kingdoms depend entirely on the flourishing Condition of Trade and Navigation, and Her Late Majesty Queen *Anne* having due regard thereto, as well as to the just Expectations of her People, after the vast Expences they had so chearfully undergone in support of the War, did, on the first opening the Conferences for a general Peace, declare from the Throne to Both Houses of Parliament, on the Seventh of *December*, 1711, That she would endeavour that after a War, which had cost so much Blood and Treasure, the Nation might find their Interest in Trade and Commerce improv'd and enlarg'd by a Peace : And on the Sixth of *June* 1712, when she was pleased to communicate the Terms on which a General Peace might be made, did declare, that nothing had moved Her Majesty from steadily pursuing the true Interest of her own Kingdoms, and that the Terms of Peace obtain'd for her own Subjects were such, as she had Reason to expect would make her People some Amends for the great and unequal Burden which they had lain under thro' the whole Course of the War, and hoped that

none

none of the Confederates would envy her Share in the Glory and Advantage ; and afterwards declared to Both Houses of Parliament her Satisfaction in the near View she had of Peace, since it would in some measure recompense her Subject for their vast Expence : And after the Conclusion of the Treaty of Peace and Commerce with *France*, did declare from the Throne on the Ninth of *April* 1713, That the many Advantages she had obtain'd for her Subjects, had occasion'd much Opposition and long Delays to the Peace, ; but it afforded her great Satisfaction, that her People will have it in their Power, by Degrees, to repair what they had suffered during so long and burdensom a War. Whereon Both Houses of Parliament did from Time to Time express their grateful Acknowledgments to Her Majesty, for her great Care and Concern for the Welfare of her People. And whereas at the setting on foot; and in the Progress of the said private, separate, and pernicious Negotiations between the Ministers of *Great Britain* and *France*, it was laid down as a Principle, on the Part of *Great Britain*, never to be departed from, That *France* should consent to adjust the Interests of *Great Britain* in the first Place, that the Ministers of *Great Britain* might thereby be enabled to engage the Queen to make the Conclusion of the General Peace easy to *France*; and on this plausible Pretence it was insisted on by the Ministers of *Great Britain*, to remit the Discussion of the particular Interests of the Allies to General Conferences ; and throughout the whole Course of the said separate Negotiation, all imaginable Concessions were not only made by the Ministers of *Great Britain* for the real Advantage of the Interests of *France* against the Allies, but all Measures were entred into and concerted between them, that even the Ministers of *France* could dictate, in order to strengthen their Hands, and to enable them to impose the Terms of a General Peace ; He the-said *Robert, Earl of Oxford* and *Earl Mortimer*, having nothing in View, thro' the whole Course of the said Negotiation, wherein he was wickedly and principally engag'd in concert with *France*, but the final Destruction of his Country, and to that end the sacrificing the Commerce of *Great Britain* to the Aggrandisement of *France*; was not only wanting in his Duty to Her Majesty, in not insisting on in all Events, and not

procuring, in the first Place, the most certain and strict Securities imaginable, for the Safety and Advantage of the Commerce of these Kingdoms; but did advise Her Late Majesty, that in the Propositions sent, by his Privity and Advice, by Mr. Prior to France, and also in the said Private and Separate Treaty, sign'd on the said Seven and Twentieth of September 1711, wherein the Preliminary Demands for Great Britain more particularly were intended to be adjusted with France, the Demands for Great Britain, in Point of Commerce, should not only be made in loose, general, and insufficient Terms, but that the Liberty of Fishing, and Drying of Fish on Newfoundland, should be expressly given up to France, tho' the Restitution of that small Part of the Island, which France had taken dyring the War, was therein referr'd to be discuss'd to General Conferences. And having by his wicked Artifices engag'd Her Majesty in the said Private Treaty with France, without any Security for the Commerce of Great Britain, he did artfully and cunningly contrive with the Ministers of France, to keep in suspense all Matters that concern'd the Commerce of Great Britain, until by means of his wicked and pernicious Counsels aforemention'd, France was become Master of the Negotiations, and the chief Advantages for the Commerce of Great Britain by that means remaining unsettled: And the Ministers of France afterwards disputing the most essential Articles which had been in agitation, and in particular that fundamental Principle of treating and being treated as *Gens Amicissima*, and endeavouring to elude what had been agreed on in the said private and separate Negotiation, for the supposed Advantage of Great Britain; he the said Robert, Earl of Oxford, and Earl Mortimer, under pretence of removing a Difficulty then depending, by an Expedient advantageous to Great Britain, did treacherously advise the Ninth Article of the Treaty of Commerce with France, a Bill for the rendering whereof effectual, was afterwards rejected by the Houle of Commons, as highly prejudicial and destructive to the Commerce of these Kingdoms: But yet for the sake of gaining that destructive Article for Great Britain, as if the same had been advantageous, he the said Robert, Earl of Oxford and Earl Mortimer, in defiance of the expreis Provision of an Act of Parliament,

as well as in contempt of the frequent and earnest Representations of the Merchants of Great Britain, and of the Commissioners for Trade and Plantations, did advise Her Majesty finally to agree with France, That the Subjects of France should have Liberty of Fishing and Drying Fish on Newfoundland; and did also advise Her Majesty to make a Cession to France of the Isle of Cape Breton, with liberty to fortify the same, altho' the Isle of Cape Breton was Part of the ancient Territories of the Crown of Great Britain; and Her Majesty had declared from the Throne, that France had consented to make an absolute Cession of Nova Scotia or Acadia, whereof Cape Breton is Part, to Her Majesty. And the said Robert, Earl of Oxford and Earl Mortimer, intending in all Events to secure to France the Advantages relating to the Fishery of Newfoundland and to Cape Breton, did, in Conjunction with the Ministers of France, advise Her Majesty to consent, that the same should be made an Article in the Treaty of Peace between Great Britain and France: Whereas the only Advantages in Trade, pretended to be stipulated for Great Britain, being inserted in the Treaty of Commerce, were to depend on certain Conditions, to be made good by Act of Parliament; and pursuant to, and by the Influence of the said evil Counsel of him the said Robert, Earl of Oxford and Earl Mortimer, Her Sacred Majesty was advis'd to ratify the said Article in the said Treaty of Peace, and the said Treaty of Commerce. By means of which pernicious Counsels, the good Intentions of Her Sacred Majesty, to have obtain'd for her People advantageous Terms of Commerce, were entirely frustrated, the Trade and Manufactures of Great Britain, as far as in him lay, render'd Precarious, and at the Mercy of the Enemy, and that beneficial Branch of Trade, always esteem'd the great Support of the Naval Power, and the chief Nursery of the Seamen of Great Britain, yielded up to the Subjects of France: and the only Pretence for the avow'd and notorious Violation of Treaties, and the carrying on the Measures of France, viz. the adjusting first the Interests of Great Britain, thro' the whole Course of the said Private and Separate Negotiations, terminated at last in the Sacrifice of the Commerce of Great Britain to France, without the least Shadow of Advantage in Trade procur'd for these Kingdoms.

ARTICLE XIV.

That he the said *Robert*, Earl of *Oxford* and Earl *Mortimer* did, in concert with other evil and false Counsellors, even without any Application from his Royal Highness the Duke of *Savoy*, and after the *French* King had in the Course of the said Private and Separate Negotiations, consented that the Kingdom of *Sicily* should remain to the House of *Austria*, from a Project and Design to dispose of the Kingdom of *Sicily* to the Duke of *Savoy* from the House of *Austria*: And to effect that his unjust, dishonourable, and pernicious Project, he did advise Her Majesty to give Instructions, among other Things, to *Henry Viscount Bolingbroke*, then appointed her Ambassador to *France*, to demand in Her Majesty's Name, of the *French* King, the Kingdom of *Sicily* for his said Royal Highness. And a Treaty of Peace being afterwards made between the *French* King, his Royal Highness, and the Duke of *Anjou*, wherein a Cession is made to his Royal Highness of the Kingdom of *Sicily*, without any Concurrence or Participation of his Imperial Majesty; he the said *Robert*, Earl of *Oxford* and Earl *Mortimer* did basely and scandalously advise Her Sacred Majesty to consent to the same, by an Article inserted in the Treaty of Peace between Her Majesty and the *French* King. And afterwards, by his Privity and Advice, Her Majesty was prevail'd on to assist his Royal Highness against the Emperor then in Alliance with Her Majesty, with a Part of her Royal Fleet at her own Expence, in order to put him in Possession of the said Kingdom of *Sicily*. Whereby the greatest Injustice was done to His Imperial Majesty, in direct Violation of the Grand Alliance, and contrary to Her Majesty's frequent Declarations from the Throne, and her plain and full Instructions to her Plenipotentiaries at *Utrecht*, for obtaining his just and reasonable Satisfaction; and whereby National Faith, and the Honour of the Crown, was vilely betray'd, and the Naval Power of these Kingdoms, and the Supplies granted by Parliament for reducing the Common Enemy, were perfidiously employ'd against the Great and Faithful Ally of this Kingdom.

ARTICLE XV.

That whereas the Dignity and Support of the Imperial Crown of these Realms has in all Ages greatly depended on the Wisdom and Truth of the Communications made from the Throne, especially in Parliament, as the sure and only means whereby the Kings and Queens of this Realm can receive the sincere and faithful Advice of their People in matters of the highest Importance, and which by the Fundamental Laws and Constitution of this Government ought to be inviolably observ'd as the Sacred Band of the Duty and Affection of Subjects to their Sovereign. And whereas by the most antient known Laws of this Kingdom, it is indispensably incumbent on the Great Officers of State that surround the Throne, to maintain as far as in them lies the Sacerdness of the Royal Word on all occasions; it being most apparent, that the greatest Dishonour to the Throne, and the greatest Danger to these Kingdoms, must inevitably ensue, whenever that Fountain of Truth by wicked Counsels shall be in any degree corrupted, and thereby lose its just Influence and necessary Authority. And whereas the Power of making Peace and War, one of the antient, undoubted, and most important Prerogatives of the Crown, has been always exercis'd by the Sovereigns of these Realms, with the strictest Regard to the Honour of the Crown and the Welfare of the People, and for that end they have in great Wisdom in all Ages taken the Advice of Parliament on such weighty Occasions. And whereas her late Majesty Queen Anne declar'd from the Throne her gracious Intentions to communicate the Terms of Peace to her Parliament for their deliberate and serious Advice therein, wisely foreseeing that the Safety of her Person and Government, of the Protestant Succession to the Crown, which she had nearest her Heart, and of the Protestant Religion, and of the Liberties of Europe, did inevitably depend on the happy Conclusion of the said Negotiations: He the said Robert Earl of Oxford and Earl Mortimer, then Lord High Treasurer of Great Britain, having taken on himself throughout the said Negotiations a most Arbitrary and Unwarrantable Authority, and the chief Direction and Influence in her Majesty's Councils; and most wickedly designing to prostitute the Honour of the Crown, and the Dignity of Parliaments, and not only totally

tally to deprive her Majesty of the wholesome and necessary Advice of her Parliament in so great a Conjunction; but by misrepresenting the most essential Parts of the Negotiations of Peace, to obtain the Sanction of Parliament to his traitorous Proceedings, and thereby fatally to deceive her Majesty, her Allies, her Parliament, and her People; he the said *Robert Earl of Oxford and Earl Mortimer*, was not only wanting in the Discharge of that Duty to his Sovereign which became his high Station, by not advising against, and as far as in him lay in all Events, by not preventing even any Intimation from the Throne to the Parliament, which was not conformable to the exactest Truth and Impartiality; but taking advantage of his ready Access to her Majesty, and his exorbitant Influence in her Councils, did prepare, form, and concert, together with other false and evil Counsellors, several Speeches and Declarations to be made by her Majesty from the Throne to her Parliament, on the Subject of the said Negotiations of Peace, and did advise her Majesty to make the same to her Parliament. And particularly, by means of his false and evil Counsels, her Majesty did, amongst other things, on the seventh of December, 1711, declare from the Throne in these Words, or to the effect following: *That notwithstanding the Aris of those who delight in War, both Place and Time are appointed for opening the Treaty of a General Peace. Our Allies, especially the States General, whose Interest I look upon as inseparable from my own, have by their ready Concurrence express'd their Confidence in me.* Whereas it was then notorious to all Europe, and the said *Robert Earl of Oxford and Earl Mortimer*, and others his Accomplices, well, knew that the principal Allies of her Majesty, and particularly the States General, then had in the strongest and most pressing manner represented not only to her Majesty's Ministers in Holland, but afterwards by a Minister of their own directly to her Majesty, the Insecurity and Danger to the Common Cause, by entring into General Negotiations with France on the Propositions sign'd by Monsieur Mesnager, and also their firm Opinion of the fatal Consequences that might ensue thereon: and altho' they had still great Apprehensions concerning the Method of opening the Conferences, and the Consequences that might happen thereupon

upon ; yet being wrought on by the Menaces and other extraordinary Methods us'd with them by Her Majesty's Ministers, and relying on the solemn Assurances and Declarations of Her Majesty to support the Interest and Concern of their State, and to act in perfect Confidence and Harmony with them ; they did at last, with the greatest Reluctance, consent to enter upon a General Negotiation of Peace with France. And in the same Speech Her Majesty was prevail'd upon by the evil Counsels of him the said Robert, Earl of Oxford and Earl Mortimer, and others, to declare in the Words, or to the Effect following : *That the Princes and States which have been engag'd with us in this War, being by Treaties entitled to have their several Interests secur'd at a Peace ; I will not only do my utmost to procure every one of them all reasonable Satisfaction, but I shall also unite with them in the strictest Engagements for continuing the Alliance, in order to render the General Peace secure and lasting.* And in her Message of the Seventeenth of January following, Her Majesty again expresses the Care she intended to take of all her Allies, and the strict Union in which she propos'd to join with them. Whereas by the evil Influence of him the said Robert, Earl of Oxford and Earl Mortimer, Her Majesty was not only induced to enter into a Private Negotiation with France, exclusive of her Allies ; but the same was in-like manner carry'd on by him the said Robert, Earl of Oxford and Earl Mortimer, and others. And the several Interests which the Allies were intitled to by their Treaties, were not only not secured to them by the Peace, nor any reasonable Satisfaction given to them ; but the Main Interests of her principal Allies, especially of His Imperial Majesty, were, by the wicked Practices of him the said Robert, Earl of Oxford and Earl Mortimer, and others, given up to France ; and no Engagements were obtained for continuing the Alliance, in order to render the General Peace secure and lasting. And Her Majesty having on many former Occasions expressed her Resolutions never to make Peace with France and Spain, so long as Spain and the West-Indies remained in the House of Bourbon ; she was prevail'd upon by the Advice of him the said Robert, Earl of Oxford and E. Mortimer, and others, to declare her self, in Answer to an Address of the House of Peers, the Eleventh of December, 1711, to the Effect following : viz. *I should be sorry any one could think I would*

would not do my utmost to recover Spain and the Indies from the House of Bourbon. Whereas it is most manifest, that the leaving the Kingdom of Spain and the Indies in the House of Bourbon was the Foundation of the Private and Separate Treaty between Great Britain and France, which had been before that Time signed even with Her Majesty's Consent; and the same fundamental Resolution was immutably observed between them, to the Conclusion of the Peace. And Her Majesty having frequently declared from the Throne, that her Resolutions in entring into the said Negotiations were to obtain a General, Good, and Lasting Peace; and the Plenipotentiaries at Utrecht being instructed to treat with France conformably to that End; he the said Robert, Earl of Oxford and Earl Mortimer, in order to remove the just Suspicions which had been conceived of his Private and Separate Negotiations with France, did advise Her Majesty to make this further Declaration in her said Message, the Seventeenth of January, That the World will now see how groundless those Reports are, which have been spread abroad by Men of Evil Intentions, to serve the worst Designs; as if a Separate Peace had been treated, for which there has not been the least Colour given: Whereas a Private and Separate Negotiation had been carried on for Five Months together between Great Britain and France; and during that Time Private Propositions had been sent from England, and a Private Treaty with a Minister of France signed, even by Her Majesty's Privity, exclusive of all the Allies, before the said Declaration made by Her Majesty. And Private and Separate Measures were thenceforth carried on by the said Rob. E. of Oxf-d and E. M-mer, and his Ac-complices, on Behalf of Her Maj. with the Ministers of Fran. even to the Conclusion of the Peace with France. Her Maj. was further prevail'd on by the wicked Advice of him the said Rob. E. of Oxf-d and E. Mo-mer, in her Speech of June 6, 1712, to declare, That to prevent the Union of the Two Crowns, she would not be content with what was speculative, but insisted upon something solid: And in the same Speech to the Effect following, viz., *The Nature of the Proposal for a Renunciation is such, that it executes it self, and France and Spain are thereby more effectually divided than ever:* Whereas the Ministers of France had before that Time assured the Ministers of Her Majesty, That to accept of the Expedient proposed on Her Majesty's Behalf, would be to build on a

Sandy

Sandy Foundation ; and that the Renunciation would be null and void by the Fundamental Laws of *France* ; and that they would deceive themselves, who accepted it as an Expedient to prevent the Union of the Two Crowns. And not only in the Particulars before-mentioned, but in many others contained in the said several Speeches and Messages made and sent to her Parliament, even while the said Negotiations of Peace with *France* were depending, the most essential Points relating to Peace and Commerce, and which concerned the Interest as well of the Allies as of *Great Britain*, were grossly misrepresented. By all which wicked, treacherous, and unexampled evil Councils, he the said *Robert*, Earl of *Oxford* and Earl *Mortimer* did most basely, ungratefully, and scandalously abuse the Favour of his Royal Mistress, and by means of her Authority did mislead her Parliament into groundless and fatal Resolutions ; and thereby not only prevented the just Advice of the Parliament to Her Majesty in that critical Juncture, but obtained the Approbation of Parliament to his mysterious and dangerous Practices ; and did not only deprive Her Majesty of the Confidence and Affection of her Allies, but exposed Her Majesty and her People to the Contempt of the Common Enemy.

A R T I C L E XVI.

That whereas the said *Robert*, Earl of *Oxford* and Earl *Mortimer* having on all Occasions used his utmost Endeavours to subvert the ancient established Constitution of Parliaments, the great and only Security of the Prerogative of the Crown, and of the Rights, Liberties, and Properties of the People, and being most wickedly Determined at one fatal Blow, as far as in him lay, to destroy the Freedom and Independency of the House of Lords, the great Ornament and neareit Support of the Imperial Crown of these Realms, and falsly intending to disguise his mischievous Purposes under a pretended Zeal for the Prerogative of the Crown ; he the said *Robert*, Earl of *Oxford* and Earl *Mortimer*, on or about the Months of *December* or *January*, 1711, whilst the House of Lords were under an Adjournment, and had Reason to expect that on their next Meeting Matters of the highest Importance would be communicate to them from the Throne, they having some few Days be-

fore given their humble Opinion and Advice to Her Majesty, That no Peace could be Safe or Honourable to Great Britain or Europe, if Spain and the West-Indies were to be allotted to any Branch of the House of Bourbon; being then Lord High Treasurer of Great Britain, and one of Her Majesty's Privy Council, and assuming to himself an arbitrary Direction and Controul in Her Majesty's Councils; contrary to his Duty and his Oath, and in Violation of the great Trust reposed in him, and with an immediate Purpose to render ineffectual the many earnest Representations of Her Majesty's Allies against the said Negotiations of Peace, as well as to prevent the good Effects of the said Advice of the House of Lords; and in order to obtain such further Resolutions of that House of Parliament on the important Subject of the Negotiations of Peace, as might shelter and promote his secret and unwarantable Proceedings, together with other false and evil Counsellors, did advise Her Majesty to make and create Twelve Peers of this Realm, and Lords of Parliament; and pursuant to his destructive Counsels, Letters Patents did forthwith pass, and Writs issued, whereby Twelve Peers were made and created: And did likewise advise Her Majesty immediately to call and summon them to Parliament; which being done accordingly, they took their Seats in the House of Lords on or about the Second of January, 1711, to which Day the House then stood adjourned. Whereby the said Robert, Earl of Oxford and Earl Mortimer did most highly abuse the Influence he then had with Her Majesty, and prevailed on her to exercise, in the most unprecedented and dangerous Manner, that valuable and undoubted Prerogative, which the Wisdom of the Laws and Constitution of this Kingdom hath entrusted with the Crown for the rewarding signal Virtue and distinguished Merit. By which desperate Advice he did not only, as far as in him lay, deprive Her Majesty of the Countenance of those seasonable and wholesome Counsels in that critical Juncture, but wickedly perverted the true and only End of that great and useful Prerogative, to the Dishonour of the Crown, and the irreparable Mischief to the Constitution of Parliaments. All which Crimes and Misdemeanors, committed and done by him the laid Earl against our late Sovereign Lady the Queen,

Queen, her Crown and Dignity, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him the said Earl, and he the said Earl of *Oxford* and Earl *Mortimer* was Lord High Treasurer of *Great Britain*, and one of Her Majesty's Privy Council during the Time that all and every the Crimes before set forth were done and committed. For which Matters and Things, the Knights, Citizens, and Burgesses of the House of Commons in Parliament assembled, do, in the Name of themselves, and of all the Commons of *Great Britain*, impeach the said *Robert*, Earl of *Oxford* and Earl *Mortimer* of High Treason, and other High Crimes and Misdemeanors in the said Articles contained. And the said Commons by Protection saving to themselves the Liberty of Exhibiting, at any Time hereafter, any other Accusations or Impeachments against the said Earl, and also of replying to the Answers which the said *Robert*, Earl of *Oxford* and Earl *Mortimer* shall make to the Premises, or any of them, or to any Impeachment or Accusation that shall be by them exhibited, according to the Course and Proceedings of Parliament, do pray that the said *Robert*, Earl of *Oxford* and Earl *Mortimer* be put to answer all and every the Premises; and that such Proceedings, Examinations, Tryals and Judgments may be upon them, and every of them had and used, as shall be agreeable to Law and Justice. And they do further pray and demand, That the said *Robert*, Earl of *Oxford* and Earl *Mortimer* may be sequestr'd from Parliament, and forthwith committed to safe Custody.

AS SOON as the Lord *Coningsby*, and the Commoners that accompanied him, were withdrawn, a *Tory* Lord moved, that the Consideration of the *Articles of Impeachment* be adjourn'd to the *Monday* following, and was back'd by several Peers of the same Side; particularly by the Bishop of *Rochester*, who urged, 'That this Accusation was of so extraordinary a Nature, and so very important, both in it self and its Consequences, that the House ought to proceed on it with the utmost Caution and Deliberation.' But he was smartly answer'd, by a *Scotch* Duke of bright Parts, who, among other Things, said, 'It was well known, the Prelate who spoke last, had, of late, study'd more *Politicks* than *Divinity*; and was thoroughly

thoroughly acquainted with the Subject Matter of the Articles, that lay before them ; And therefore his Grace did not doubt, but his Lordship was now as ready to speak to them, as he could ever be, if he had more Time to consider of them." After a Debate of about an Hour and a Half, the Question for *Adjourning* was put, and carried in the Negative, by a Majority of 86 Voices against 54 ; And thereupon the *Articles of Impeachment* were read, which took up till about Eight in the Evening. Then a Motion was made, (by the same Side that was for adjourning) That the *Judges* be consulted ; that the House might be satisfied, whether the Charge contain'd in the said Articles amounted to *Treason*? The Lords *Trevor*, and *Harcourt*, the Dukes of *Shrewsbury* and *Leeds*, the Earl of *Poulet*, the Ld. *North* and *Grey*, the Bishop of *Rochester*, and some other Peers of that Side, were for the *Affirmative* ; But the Lord *Cowper*, Lord Chancellor ; the Dukes of *Argyle* and *Montross*, the Earls of *Nottingham*, *Sunderland*, *Dorset*, and *Isla* ; the Lord *Viscount Townshend*, and some other Lords of the *Court-Party*, spoke for the *Negative*. The Lord *Trevor* having gone so far as to declare his Opinion, That none of the *Articles* amounted to *High-Treason* ; he was answer'd by the Lord *Cowper*, who shew'd the Contrary ; and challenged all the Lawyers in *England* to disprove his Arguments. Nevertheless, the *Tory* Lords still insisting on the Consulting of the *Judges*, the Earl of *Nottingham*, represented to them, 'That instead of favouring, thereby, the Noble Person who had the Misfortune to be impeach'd, as, undoubtedly, they meant it, they might, on the Contrary, do him a great Prejudice ; For if upon Consulting the *Judges*, they declared the Charge to amount to *Treason*, the said Lord would stand prejudged, before he was brought to his Tryal.'

‘ Tryal.’ After some other Speeches, the Question was put upon the Motion beforemention’d, and carried in the Negative by 84 Voices against 52. And then it was moved by the Court Party, That the Earl of Oxford be committed to safe Custody : Which occasion’d a fresh Debate. Several Members of Both Sides, having declared their Opinion upon that Motion, the E. of Oxford thought it high Time for him to speak for himself, which he did to this Effect :

‘ My Lord,

The E. of Ox.
91b.

‘ IT is a very great Misfortune for any Man ^{ford’s Speech} to fall under the Displeasure of so great ^{in the Lords} and so powerful a Body as the Commons ^{of House, July} Great Britain : And this Misfortune is the heavier upon me, because I had the Honour to be placed at the Head of the Late Ministry, and must now, it seems, be made accountable for all the Measures that were then pursued. But, on the other hand, ’tis a very great Comfort to me under this Misfortune, that I have the Honour to be a Member of this august Assembly : An Assembly which always squares their Proceedings and Judgments by the Rules of Honour, Justice, and Equity ; and is not to be byass’d by a Spirit of Party.

‘ My Lord,

‘ I could say a great deal to clear my self of the Charge which is brought against me : But as I now labour under an Indisposition of Body, besides the Fatigue of this long Sitting, I shall contract what I have to say within a very Narrow Compass. This whole Accusation may, it seems, be reduced to the Negotiation and Conclusion of the Peace : That the Nation wanted a Peace, no Body will deny ; and, I hope, it will be as easily made out, that the Conditions of this Peace are as good as could be expected, considering the Circumstances wherein it was made, and the Backwardness and Reluctancy which some of the Allies shew’d to come into the

' the Queen's Measures. This is certain, that
 ' this Peace, as bad as it is now represented, was
 ' approved by Two successive Parliaments. It is,
 ' indeed, suggested against this Peace, that it was
 ' a Separate One : But I hope, My Lord, it will
 ' be made appear, that it was General ; and that
 ' twas *France*, and not *Great Britain*, that
 ' made the first steps towards a Negotiation.
 • And, My Lord, I will be bold to say, that du-
 ' ring my whole Administration, the Sovereign
 ' upon the Throne was loved at Home, and feared
 ' Abroad.

' As to the Business of *Tournay*, which is made
 ' a Capital Charge, I can safely aver, that I had
 ' no manner of Share in it ; and that the same
 ' was wholly transacted by that unfortunate No-
 ' bleman who thought fit to step aside : But I dare
 ' say in his behalf, that if this Charge could be
 ' proved, it would not amount to *Treason*. For
 ' my own part, as I always acted by the imme-
 ' diate Directions and Commands of the late
 ' Queen, and never offended against any Known
 ' Law, I am justify'd in my own Conscience, and
 ' unconcern'd for the Life of an insignificant Old
 ' Man. But I cannot, without the highest Ingra-
 ' titude, be unconcern'd for the Best of Queens :
 ' A Queen who heap'd upon me Honours and Pre-
 ' ferments, tho' I never ask'd for them ; and
 ' therefore I think my self under an Obligation
 ' to vindicate her Memory, and the Measures she
 ' pursued, to my Dying Breath.

My Lord,

' If Ministers of State, acting by the imme-
 ' diate Commands of their Sovereign, are after-
 ' wards to be made accountable for their Pro-
 ' ceedings, it may, one Day or other, be the
 ' Case of all the Members of this august Assem-
 ' bly : I don't doubt, therefore, that out of Re-
 ' gard to your selves, Your Lordships will give
 ' me an equitable Hearing ; and I hope that, in
 ' the Prosecution of this Inquiry, it will appear,
 ' that

" that I have mérited not only the *Indulgence*, but
" likewise the Favour of the Government,

" My Lord,

" I am now to take my leave of Your Lord-
ship, and of this Honourable House, perhaps
for ever! I shall lay down my Life with Plea-
sure, in a Cause favour'd by my late dear Roy-
al Mistress. And when I consider that I am to
be judged by the Justice, Honour, and Virtue
of my Peers, I shall acquiesce, and retire with
great Content: And, My Lords, *God's Will*
be done.

Before the Question for committing the Earl
of Oxford to safe Custody was put, the Duke of
Shrewsbury acquainted the House, That the said
Earl was, at present, very much indispos'd with
the Gravel; and therefore he hoped the House
would not immediately send him to the Tower,
but suffer him to be, for Two or Three Days,
under the Custody of the *Black Rod* at his own
House, where he might have the Attendance and
Assistance of his Relations and Servants: That,
however, he (the Duke of Shrewsbury) did not
propose this as a Motion, because he was against
committing him at all; but only left it to the
Consideration of the House. His Grace was
seconded by the Earl of Poulet; and no Oppo-
sition being made by the other Party, the Earl
of Oxford withdrew, leaving Word, with the
Usher of the *Black-Rod*, that he would be at
Home. After this the Question was put, That
the said Earl be committed to safe Custody, which
was carried in the Affirmative, by 82 Voices,
against 50; and so the House rose, about a Quar-
ter past One in the Morning; when the Usher of
the *Black-Rod* went to the Earl of Oxford's
House; communicated to him the Order of the
House of Peers, for taking him into Custody;
and left some of his Officers for that Purpose in
His Lordship's House. It was observ'd that when
the Earl of Oxford went home, he was attend-

*The E. of Ox-
ford under the
Custody of the
Black Rod.*

ed by a Mob that cry'd out *High Church, ORMOND, and OXFORD for ever, &c.* It was likewise observ'd, that of Twenty Bishops who were that Day in the House, Six only were for the Earl of Oxford, viz. The Archbishop of York, and the Bishops of London, Rochester, Bristol, Chester, and Durham.

** July 11.* On Monday the 11th of July, the Lord Coningsby acquainted the Commons, ‘ That he did, the Saturday before, at the Bar of the House of Lords, impeach Robert, Earl of Oxford and Earl Mortimer of High Treason, and other High Crimes, and Misdemeanors, and deliver'd in the Articles of Impeachment against him ; and did pray and demand that the said Earl might be sequester'd from Parliament, and forthwith committed to safe Custody.’ The same Day * the Lords order'd, That the Earl of Oxford be brought to the Bar of their House the next Morning, in order to be sent to the Tower ; and then Their Lordships sent a Message to the Commons, to acquaint that Honourable House, ‘ That the Lords had order'd the Black-Rod to attach and take into safe Custody Robert, Earl of Oxford and Earl Mortimer ; and that the Black-Rod had returned to the Lords, that he had accordingly attach'd the said Earl, and had him now in safe Custody.

The E. of Oxford brought in the Bar of the Lords House.

On Tuesday the Twelfth of July, the Earl of Oxford was, according to Order, brought to the Bar of the Lords House, where having receiv'd a Copy of the Articles of Impeachment against him, he represented to Their Lordships, ‘ That the Ablest Men in the Nation had been many Weeks in drawing up those long Articles against him ; and therefore he hoped the House would allow him a proportionable Time to answer them.’ His Lordship took that Occasion

to return their Lordships his hearty Thanks for their great Humanity in not sending him to the Tower the Saturday before; and as he still labour'd under the same Indisposition of Body, he humbly desired their Lordships to permit him to continue some few Days more at his own House under the Custody of the Black Rod. The Earl of Oxford being withdrawn to the Black-Rod-Room, the Lords resolv'd to allow him a Month to answer the Articles of Impeachment; and as to his last Request, Dr. Mead, one of his Lordship's Physicians, being consulted, and having made a kind of Affidavit, That if the Earl were sent to the Tower, his Life would be in Danger: A Motion was made, that he might continue in his House till the Monday following: But this was opposed, and after a warm Debate, it was carried, by Eighty One Voices against Fifty Five, that he should be carried into the Tower, on Saturday the 16th of July. The most remarkable Passage in this Day's Debate, was as follows: The Earl of Anglesea, having said, "That it was to be feared, these Violent Measures would make the Scepter shake in the King's Hands:" Most of the Members were offended at this Suggestion, and some cry'd the Tower, and others only to Order. The Earl of Sutherland, One of the Sixteen Peers of North Britain, who, in the Worst of Times, had given signal Proofs of his Affection to the Hanover Succession, standing up, said, "He trembled with indignation to hear such Words pronounc'd in that Noble Assembly; that if they had been spoke any where else, he would call the Person that spoke them to an Account: But all he could do there was to move that he might explain himself." The Earl of Sutherland was Seconded by the Duke of Roxburgh, another Scotch Peer of Eminent Zeal and Affection for the present happy Settlement, who, among other

Remarkable
Passage in the
Lords House
July 12th.

Things, said, That the SCEPTER WAS SO
WEIL RIVETTED IN THE KING's
HAND, THAT INSTEAD OF SHAKING,
IT WOULD CRUSH ALL HIS MAJESTY's
ENEMIES. The Earl of Berkley, and some
other Lords back'd also the Earl of Sutherland's
Motion : Whereupon the Earl of Anglesea stood
up, and said, ' That it was but too manifest, by
the Riots that were daily committed in several
Parts of the Kingdom, That the Nation, in
general, was against these Impeachments ; That
for his own Part, he was so far from approv-
ing those Tumultuous Assemblies and Disor-
ders, that he rather wish'd a stop might spee-
dily be put to them, by exemplary Punish-
ments ; That he had on several Occasions,
given sufficient Proofs of his Zeal and Af-
fection for the *Revolution* and the *Protestant*
Succession ; That what he had now advanc'd,
was the Result of the same Zeal for the Peace
and Prosperity of His Majesty's Reign : How-
ever, if he had been so unhappy as, by any
unguarded or passionate Expression, to give Of-
fence to that August Assembly, he was very
Sorry for it.' Notwithstanding this Apolo-
gy, some Members we enclin'd to have his
Lordship sent to the Tower; but the *very Words*
he had spoken not having been taken down in
Writing, the House admitted his Lordship's Ex-
planation ; and so that Matter went no further.
It is observable that on this Occasion, besides
the Six Bishops before mention'd, those of Bath
and Wells, and St. David's voted for the Earl
of Oxford ; and that the latter was by many
blamed for putting off his going to the Tower ;
which, they said, did not consist with the Firm-
ness and Resolution he had hitherto shewn.
This is certain, That as he came on the Tuesday
in his own Coach to the H. of Peers, he might
with as much Ease, have been carried to the Tower,
either by Water, or in a Sedan ; and have had
there

there the same Attendance of his Friends and Physicians. Be that as it will, the House of Peers having met on Friday, the 15th of July, they adjourn'd to the Monday next; to avoid, as 'twas generally surmised, any fresh Motion which the Earl of Oxford's Friends might make, for deferring his being sent to the Tower, whither according to Order, he was carried by the *The E. of Ox-*
Usher of the Black-Rod on Saturday (July 16th) *ford carried to*,
about Eight a-clock in the Evening, in his Lord *the Tower,*
ship's Chariot; attended by Two Hackney *July 16th.*
 Coaches, in which were the Earl's Lady, his Son the Lord *Harley*, and some other of the Earl's Relations and Servants. Although these Three Coaches went from his Lordship's House near St. James's Palace, up St. James's Street, and then through Picadilly, Gerrard-Street, Monmouth-Street, Holbourn, and other less frequented Streets, with Design, as 'twas thought, to avoid a Crowd, yet were they attended by a great many of the Common People, whose Numbers being much increased in their Return from the Tower, they raised an Uproar in the Streets, with their Cry of *High-Church, Ormond, and Oxford for ever;* and when they came to St. Martin's Lane, Westminster, some of them grew so outrageous as to throw Stones at, and break the Windows of several Houses: Upon which Three or Four of the Mutineers were by the Constables and Beadles carried to the Round-House.

On the Twenty Fourth of June, Mr. Carter communicated to the Commons the Informations he had receiv'd from several Hands, of a great Riot at Manchester, in which the Pretender had been proclaim'd; and then moved the House,
 ' That the Act of the 13th and 14th Years of
 ' His late Majesty King William the Third, inti-
 ' mated, *An Act for the further Security of His*
 ' *Majesty's Person, and the Succession of the Crown*
 ' *in the Protestant Line, and for extinguishing the*
Hopes

Bill for the *Hopes of the pretended Prince of Wales, and all further Security of other Pretenders, and their open and secret Abettors, might be read;* which being done accordingly, it was order'd, *Nemine contradicente, That a Bill be brought in for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors:* And that Mr. Carter, Mr. Camproller, Lord Coningsby, and Mr. Heysham, do prepare and bring in the same.

*On Friday, July 1, the Commons order'd, Nemine contradicente, that a Bill be brought in, for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual punishing the Rioters: After which a Complaint being made to the House, by the Right Hon. Robert Walpole, Esq; of a printed Pamphlet, intituled, *The Evening Post*, from Tuesday, June 28, to Thursday, June 30, 1715, wherein is printed a Copy of a Letter subscribed R. W. to the Lord S--- at the Bath (which printed Letter had been cried about the Streets, as if wrote by the said Mr. Walpole to the Lord Sunderland, and had also been maliciously and industriously sent all over the Kingdom) the said *Evening Post*, and another printed Copy of the said Letter, were delivered in at the Table, and the printed Copy in the said *Evening Post* was read, as follows:*

Scandalous
Letter contain'd in it.

My LORD,
I Have receiv'd Your Lordship's Letter, the Contents of which are rather a Concern to me than a Surprize; in the General Corruption, I had little Reason to believe the Neighbourhood where Your Lordship is, should escape untainted.

By this Post you will have an Account from Lord T--- of what has been done in these Parts, with some Particulars of the Oxford Riot; the Inclos'd (My Lord) is a Copy of a Letter sent to Dr. Charlette;

Charlotte; but it is not Writing that will ever be able to reduce that University to a State of Discipline or Order; other Means are necessary.

I am now to tell Your Lordship, the Committee has finish'd their Report, and will lay it before the House in a few Days; what the Result will be I am doubtful, but we have now nothing for it but a bold Push, and accordingly have determin'd to allow no Time to the Enemy to examine or consider the Report.

The Impeachments will be for High Treason, and other Crimes; and I wish we have not in this Resolution strain'd the Matter too far. Not that I believe we are in any Danger of not seeing Your Lordship confirm whatever Accusation we shall bring before you; the People, who think they have a Right to look into our Actions, know their Strength, know how far they have gone, and that they can secure themselves only by going further.

If on any drunken Holiday the Government is over-run with Rioters and Seditious Assemblies, what Opposition may we not reasonably expect, when we are leading the Favourites of the Faction to the Scaffold?

If we fail in our Attempt, we must be content to bear the Yoke we have been preparing for our Enemies: If we should succeed, we shall never more be troubled with that Spirit that has been so long grievous to us.

The Guards are sent for to be in a Readiness, but I am very doubtful how far they will come into what is necessary, should there be Occasion for them; and must therefore go along with those who hold a Necessity of raising Assistance from Foreign Troops.

My Lord, I shall say no more; *Jacta est Alea;* and Fortune in a few Weeks will dispose of us one Way or other.

Lord S. at the Bath, I am, &c. R.W.

Upon the Reading of this Letter it was resolved, *Nemine contradicente,* That the said Letter inserted in the said Evening Post, is a false, scandalous,

scandalous, and traiterous Libel, highly reflecting on His Maj. and both Houses of Parl. And order'd, That a Committee be appointed to enquire into the Author, Printer, and Publisher of the said false, scandalous, and traiterous Libel. And a Committee was accordingly appointed. Then a Complaint being also made to the House of a Paragraph in the said Pamphlet call'd *The Evening Post*, relating to John Bournois, a French Schoolmaster, who was whipp'd for speaking seditious Words against His Majesty ; the said Paragraph was read, as follows :

John Bournois, the French Schoolmaster, who was whipp'd from Stocks-market to Aldgate, for speaking seditious Words against His Majesty, was last Week, upon giving Sureties for his good Behaviour, discharged out of Newgate, but died the next Day of the King's Evil.

After which it was order'd, First, That it be an Instruction to the said Committee, That they do enquire into the Author of the said Pamphlet called *The Evening-Post*; Secondly, That E: Berrington, Printer of the said Pamphlet called *The Evening-Post*, be taken into the Custody of the Serjeant at Arms attending this House. And Thirdly, That J. Morphew, Publisher of the said Pamphlet be taken into Custody of the Serjeant at Arms attending this House.

E. Berrington
and J. Mor-
phew order'd
into Custody.

Bill against
Tumults.
† July 16th.

Account of the
Tumults and
Riots in Staff-
ordshire. . .

On the 15th of July, the Commons, in a Committee of the Whole House, went through the Bill for preventing Tumults, &c. and the next + Day Mr. Attorney General having reported the Amendments they had made to the same ; the first them was agreed to ; but the further Consideration of the said Amendments was adjourn'd. After this the House being inform'd of great Disorders in the County of Stafford, by several evil-dispos'd Persons going from Place to Place in a tumultuous and Riotous Manner, and that they had assaulted and wounded several of His Maje- sty's

sty's good Subjects without any Provocation ; and that One Mr. Bayly was able to give the House an Account thereof, and that he was at the Door ; he was order'd to be called in. Mr. Bayly being call'd in accordingly, gave the House an Account of what had happen'd in that County, as follows, *viz.*

THAT there are Three Presbyterian Meeting Houses, which are not very remote from each other, *viz.* at Dudley, West Bromwich and Oldbury ; That the Proprietors of them, observing that several Meeting Houses in that County had been pull'd down by the Mob, they advis'd with Lawyers about the Lawfulness of defending themselves, and then took a Resolution of doing it, and to assist each other : They procured a Warrant from Sir Henry Gough to the Constable of West-Bromwich, to keep such sufficient Watch and Ward as might be able to disperse tumultuous Rioters. On Tuesday last, the Mob came to Bromwich, but the brave Men who were set to guard the Meeting House beat them off, and with Hand Whips and Cudgels made several of them smart, so that on their Knees they ask'd pardon, pray'd for King George, and promis'd not to offend any more ; but like true Jacobites broke their Promise ; and came next Day in greater Numbers, and with more desperate Weapons ; such as Scythes, Reaping Hooks, set in proper Handles about Two Yards long ; large Clubs, and some Fire-Arms : But as soon as they came up to the Guard, their Courage fail'd them, they flung down their Arms, and fled, many of which were pick'd up by Women who came out of their Houses to that purpose. It was thought proper to take some of them Prisoners; accordingly they pursued them, and took 36, and placed them in a publick Inn, with a strong Guard upon them, in order to

' take them before a Justice of Peace next Day :
 ' But that Night about 12 a Clock there came a
 ' Mob from Birmingham of about a Hundred,
 ' intending to release them. They fired upon the
 ' Guard without Doors, and at the same Time
 ' attack'd the House and broke it ; but the Guard
 ' beat them off, and took several Prisoners,
 ' which were the next Day, with the rest, had
 ' before Sir Henry Gough and his Son, who com-
 ' mitted part of them to Stafford Goal, and bound
 ' over others to the Assizes. The same Day,
 ' which was Thursday last, the Mob came again,
 ' and now they came on with more than their
 ' usual Courage, which caus'd the advanc'd
 ' Guard to draw back nearer their main Body.
 ' The Rebels still came on with Fury, and as soon
 ' as they came within reach fired upon the
 ' Guard, who then called up their Men who had
 ' Fire-arms to their Assistance, who came and
 ' quickly dispers'd them ; a Gentleman had his
 ' Horse shot dead under him, and another mor-
 ' tally wounded : Some of the Guards are very
 ' much wounded, but it's hoped not mortally.
 ' They took several Prisoners, amongst which
 ' are the Two Captains ; One of which is said to
 ' be the publick Cryer of Wolverhampton. Some
 ' of those taken appear to be known Roman Ca-
 ' tholics. Whilst the Prisoners were under
 ' Examination, being ask'd who encourag'd them
 ' on to this Work ? Two of them had the Con-
 ' fidence to say, they were told that Two Gen-
 ' tlemen of Note, viz. Mr. Vernon, and Mr.
 ' Lane, would give 60 Guineas a-piece to encou-
 ' rage the Mob : It is likewise reported in the
 ' Country, that the Mob boasted the Latter of
 ' of these Gentlemen was to head them.

' When the Mob pull'd down the Meeting-
 ' House at Wolverhampton, One of their Lead-
 ' ers getting on the Top of the same, flourish'd
 ' his Hat round his Head, and cry'd, G- d--
 ' K. G--ge, and the D. of Marlborough. A
 ' Fellow

' Fellow at the same Place, standing by as an
 ' idle Spectator, was charg'd by the Rioters
 ' with being a Spy ; and, to attone for his suppo-
 ' sed Offence, they made him go down on his
 ' Knees, and cry God bless K. James the Third.

Mr. Bayly being withdrawn, Mr. Bracebridge, a Member of the House for Tamworth in Staffordshire, acquainted them of a Letter wrote from that Country, relating to those Disturbances, which he read in his Place ; and the said Letter having been order'd to be brought up to the Table, and read ; it was resolv'd, *Nemine contradicente*, ' That an Humble Address be presented to His Majesty, that he will be graciously pleas'd to give Directions to the several Magistrates throughout the Kingdom, that the Laws be put in a speedy, and the most vigorous Execution, against all such Persons who shall be found any way concerned in the late rebellious and tumultuous Riots and Disorders committed, and now carrying on, in several Parts of this Kingdom, by Persons disaffected to His Majesty and his Government ; and that a strict Enquiry be made, who are the Promoters and Authors of the said Tumults and Riots ; and that an Account be taken of such Justices of the Peace as have failed in the Discharge of their Duty on these Occasions ; and that such Justices, who shall appear to His Majesty to have neglected their Duty, be forthwith put out of the Commissions of the Peace ; and that such other Magistrates who shall appear likewise to have neglected their Duty therein, may be proceeded against with the utmost Rigour of the Law ; and that His Majesty will likewise be pleased to direct that an exact Account may be taken of the Losses and Damages which His Majesty's Subjects have sustained, by reason of these tumultuous and rebellious Proceedings ; and that the Sufferers may have full Compensation made them for their Dama-

ges ; and to assure His Majesty, That all such Expences as His Majesty shall be at on that Account, shall be made good to His Majesty out of the next Aids that shall be afterwards granted by Parliament ; and also that the Laws against Papists and Non-jurors may be effectually put in execution.

Then the Commons resumed the Consideration of the Amendments made to the Bill for preventing Tumults, &c. which, with other Amendments made to them, were agreed to, and the Bill order'd to be engross'd.

On Monday the 18th of July, the said Bill was read the third Time (and after several Amendments were made to it) pass'd, and sent up to the Lords. And Mr. Lechmere, Söllictor General, from the Committee appointed to draw up an Address to His Majesty, having reported the same, it was agreed unto by the House, *Nemine contradicente*, being as follows :

*Address of the
Commons a-
bout Riots
and Tumults.*

Most Gracious Sovereign,
WE Your Majesty's most Dutiful and Loyal Subjects, the Commons in Parliament assembled, being highly concerned at the continued Endeavours of the Enemies of your Person and Government, to disturb the Tranquility and Happiness of your Kingdoms, and to deprive your People of the great Blessings they enjoy under your auspicious Reign : And it having appeared to us, that, by the Encouragement and the false and traiterous Insinuations of Persons disaffected to your Title and Government, great Numbers of your poor deluded Subjects have been prevailed upon, in many Parts of the Kingdom, to assemble together, and, in a tumultuous and rebellious manner, to commit great Disorders, and do great Injuries to others of their Fellow-Subjects and Fellow-Protestants, we think it our indispensable Duty on this Occasion to express our ut most Abhorrence of all such traiterous Proceedings, and our highest Resentment against the Authors and Promoters of them ; and to renew to

Your

Your Majesty the hearty and vigorous Resolutions of your faithful Commons, to support your Majesty and your Government against all your open and secret Enemies; and to contribute the utmost in our Power to the Honour and Safety of your Sacred Person, and the Quiet and Security of your Government.

And to that End, we crave Leave most humbly to beseech Your Majesty, that you will be graciously pleased to give Directions to the several Magistrates throughout your Kingdom, that the Laws now in Force may be put in a speedy, and in the most vigorous Execution, against all such Persons as shall be found any way concerned in the rebellious and tumultuous Riots and Disorders which have been committed, and are now carrying on, by Persons disaffected to Your Majesty and your Government; and that a strict Enquiry may be made to discover the Authors and Promoters of them, so as they may be brought to condign Punishment.

And it being apparent, that the Neglect or Misbehaviour of many Justices of Peace, and other Magistrates, hath given great Encouragement to the said Disorders, we crave Leave, in all Humility, to beseech Your Majesty, that an Account may be taken of such Justices of the Peace as have failed in the Discharge of their Duty on these Occasions; and that such of them as shall appear to Your Majesty to have neglected their Duty, may be forthwith put out of the Commissions of the Peace; and that such other Magistrates as shall likewise appear to Your Majesty to have neglected their Duty therein, may be proceeded against with the utmost Rigour of the Law.

And as your loyal Commons are fully assured, that by the Wisdom and Steadiness of your Administration, the Scepter in your Royal Hand will soon become a Terror to all those who, by open or secret Practices, shall any way abet the Enemies of your Person or Government; so from our most dutiful Regard to Your Majesty, and in Justice to those of your Subjects, who, for their Zeal and firm Adherence

rence to Your Majesty and your Government, have been Sufferers in the said tumultuous and traiterous Disorders; we do most humbly beseech Your Majesty, that you will be most graciously pleased to give Directions, that an exact Account be taken of the Losses and Damages which any of your Subjects have sustained, by reason of the said tumultuous and rebellious Proceedings, and that the Sufferers may have full Compensation made them for their Damages; your faithful Commons most humbly assuring Your Majesty, that all Expences which shall be incurred on thit Account, shall be made good to Your Majesty, out of the next Aids that shall be afterwards granted by Parliament.

And for the Security of your Sacred Person, and the Quieting the Minds of your faithful Subjects, we do further most humbly advise Your Majesty, that you will be graciously pleased to give Orders, that the Magistrates throughout the Kingdom, in their several Stations, do speedily and effectually put the Laws in execution against Papists and Non-jurors.

This Address having, the next * Day, been presented to the King by the whole House, His Majesty was pleased to return the following most Gracious Answer :

The King's Answer.

I Thank you heartily for your Address, and the many Marks of Zeal and Affection which you express for my Honour and Safety, and the Security of the Kingdom.

I will give immediate Directions for putting in execution the several Matters which you so justly recommend to me; and as I am resolv'd, on all Occasions, to follow the Advice of my Parliament, so I have no doubt but that, by the Blessing of Almighty God, and your seasonable and vigorous Assistance, I shall soon be enabled effectually to suppress that Spirit of Rebellion which is so industriously fomented among us, and to establish the Peace and Prosperity of my People.

After

The same Day the Commons order'd, ' That such Members of the Committee of Secrecy, who are Justices of the Peace for the County of Middlesex, do examine such Persons as they think fit, at the said Committee, touching Matters contain'd in the several Books and Papers before them.

The next * Day, the Speaker of the House of Commons having reported His Majesty's most Gracious Answer to their Address, it was resolv'd, *Nemine contradicente*, that the humble Thanks of this House be return'd to His Majesty.

The same Day, the King went to the House of Peers with the Usual State, and having given the Royal Assent to Four Publick and Nine Private Bills, and, amongst the first, the *Act for preventing Tumults and Riotous Assemblies, &c.* His Majesty was graciously pleased to declare from the Throne, That he had given direction to the Lord Chancellor to declare to Both Houses a matter of the greatest Importance in his Majesty's Name and Words; and accordingly the Lord Chancellor read a Speech deliver'd into his Hands by his Majesty from the Throne, as follows :

My Lords and Gentlemen, The King's
Speech to both
Houses.
 THE Zeal you have shewn for preserving the
 Peace of my Kingdoms, and your Wisdom
 in providing so good a Law to prevent all Riotous
 and Tumultuous Proceedings, give me great Satis-
 faction; but I am sorry to find that such a Spirit
 of Rebellion has discover'd it self as leaves no
 Room to doubt but these Disorders are set on Foot
 and encouraged by Persons disaffected to my Gov-
 ernment, in Expectation of being supported from
 Abroad.

The Preservation of our Excellent Constitution, and the Security of our Holy Religion, has been, and always shall be, my chief care; and I cannot question but your Concern for these invaluable Blessings is so great, as not to let them be exposed to such

such Attempts as I have certain Advices are preparing by the Pretender from abroad, and carrying on at home by a restless Party in his Favour.

Gentlemen of the House of Commons.

In these Circumstances, I think it proper to ask your Assistance, and make no Doubt but you will so far consult your own Security, as not to leave the Nation, under a Rebellion actually begun at home, and threatened with an Invasion from abroad, in a Defenceless Condition : And I shall look upon the Provision you shall make for the Safety of my Resolution of People, as the best mark of your Affection to the Commons me.

*to stand by,
and Support
his Majesty.*

The Commons being return'd to their House: it was, ‘ Resolved, Nenine Contradicente, That an humble Address be presented to his Majesty, to return the most humble and dutiful Thanks of this House, to his Majesty, for communicating to his Parliament the Advices he has received of an Attempt preparing to be made upon the Nation from abroad, abetted and encouraged by treasonable Practices at home, in favour of a Popish Pretender; and to assure his Majesty, that this House will, with their Lives and Fortunes, stand by and support his Majesty against all his open and secret Enemies; and to desire his Majesty, that he will immediately give Directions for fitting out such a Number of Ships as may effectually guard the Coasts, and to issue out Commissions for augmenting his Forces by Land; assuring his Majesty, this House will, without Loss of Time, effectually enable him to raise and maintain such a Number of Forces, both by Sea and Land, as shall be necessary for the Defence of his sacred Person, and for the Security of his Kingdoms.’ After this Mr. Freeman stood up, and represented, that in so important a Juncture, they ought to lose no Time, in drawing up an Address, and therefore moved, “ That the said Resolution be forthwith

forthwith laid before his Majesty by the whole House. He was seconded by the Lord Guernsey, Eldest Son to the Earl of Ailesford, who said, " it was well known, he had, on several Occasions, differ'd from some Members in that House ; but being now convinc'd that our Liberty, Religion, and all that's dear to English Men, were aim'd at, he would (laying his Hand on his Sword) rather die with his Sword in his Hand, than survive the Pretender's coming in ; tho' he were to enjoy the greatest Honours and Preferments under Him." Mr. Hampden did, likewise, back Mr. Freeman's Motion, which pass'd into a Resolution, *Nemine Contradicente* ; and Mr. Comptroller who was order'd to wait on the King, to know his Majesty's Pleasure, when he would be attended by the House, having, about Six o'clock in the Evening, reported that his Majesty had been pleased to appoint immediately at his Palace at St. James's ; The House went thither with their Speaker, and laid before his Majesty the said Resolution, to which the King was pleased to return the following Answer :

Gentlemen,

I Thank you heartily for this Address. The Zeal and Vigour which you shew upon this Occasion, will, I trust in God, enable Me to defeat the Evil Designs of our Enemies. I will immediately give Directions for such an Increase of our Forces by Sea and Land, as I shall judge necessary for your Security ; and will order Estimates of the Charge thereof to be laid before you.

The next Day, the House being moved, That the Act of the Thirty First Year of King Charles the Second, intituled, *An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond the Seas* : And also an Act of Parliament of Scotland of the Thirty First of January 1701, intituled, *An Act for preventing wrongous Imprisonment, and against undue Delays*

*Delays in Tryals, be read ; the same were read
Bill to Suspend accordingly : After which it was Ordered, That
the. Habeas Corpus Act. leave be given to bring in a Bill to impower His
Majesty to secure and detain such Persons as His
Majestly shall suspect are conspiring against His
Person or Government. Hereupon Mr. Sollicitor-
General immediately presented to the House A
Bill to impower His Majesty to secure and detain
such Persons as His Majesty shall suspect are con-
spiring against His Person and Government ; and
the same was received and read the First time,
and ordered to be read a Second time. The Bill
was accordingly immediately read a Second
Time ; and committed to a Committee of the
whole House, for the next day. It was observ'd
that Mr. Shippen only, made a Slight Objection
against the bringing in of the said Bill ; which on
the 22d. of July, went through the Grand Com-
mittee, and was order'd to be ingrossed.*

On the 20th of July, the Lords resolv'd to
present an Address to His Majesty, which was,
the same Day, drawn up, and agreed to, as fol-
lows :

*The Lords Ad-
dress to the K.*

Most Gracious Sovereign,

*WE Your Majesty's most Dutiful and Loyal
Subjects, the Lords Spiritual and Temporal
in Parliament assembled, beg Leave to return Your
Maj. the most humble Thanks of this House, for Your
Majesty's most gracious Assurances, that the Pre-
servation of our excellent Constitution, and the Se-
curity of our holy Religion, has been, and always
shall be your chief Care ; and for communicating to
your Parliament the Advices from Abroad of an in-
tended Invasion of these Kingdoms; countenanced
and entouraged by Insurrections here at Home, fo-
mented and stirred up by the Abettors and Sup-
porters of the Pretender's Interest. And we do
most humbly assure Your Majesty, that this House
will stand by and assist Your Majesty, at the Ha-
zard of our Lives and Fortunes, in Support and
Defence*

Defence of your Sacred Person, and your undoubted Right and Title to the Crown, in Defiance of all your open and secret Enemies.

This Address being the next Day presented to the King, His Majesty was pleased to make the following most gracious Answer :

My LORDS,
*The King's
Answer.*
 I Thank you for the zealous Affection you express towards me, and the Assurances which you give me in this Address ; and you may depend on my punctually making good all those which I have given to my People, either on this or any former Occasion.

The next + Day, both Houses of Convocation * July 22d. waited also on His Majesty, with the following Address :

To the K's Most Excellent Majesty. The Humble Address of the
 Address of the Abp. Bps, and Clergy of the Convocation to
 Province of Canterbury, in Convoc. assembled. the King.

Most Gracious Sovereign,
 WE Your Majesty's most Dutiful and Loyal Subjects, the Archbishop, and Bishops, Clergy of the Province of Canterbury, in Convocation assembled, do think our selves obliged in Duty and Gratitude to Your Majesty, to make our most humble Acknowledgments for that gracious Message you were pleased to send to the House of Commons, recommending the Provision of a Maintenance for the Ministers who are to attend the Service of the Fifty New Churches, begun to be built in and about the Cities of London and Westminster, under the pious Encouragement of Your Majesty's most excellent Predecessor of ever Blessed Memory.
 A Message so piously intended, and so well received, we trust, cannot fail of its desired Effect, to the Honour of the Church of England, and the Advancement of our holy Religion.
 After all the Declarations Your Majesty has been pleased to make in Favour of our Esta-

blished Church, and the real Proofs you have given for the Concern of its Interest; we hope that none will be found so unjust as to doubt of your Affection to it. And we do most humbly assure Your Majesty, that we will take all Opportunities to instil into those who are under our Care, the same grateful Sense that we our selves have of Your Majesty's Goodness, and that at this Time, more especially, when the Quiet of your Realms is disturbed by Insurrections at Home, and the Nation threaten'd with an Invasion from Abroad, we will put them in mind of those strict Obligations of Conscience, whereby they are engaged to defend and support Your Majesty's Government, and will earnestly exhort them to exemplify, by a suitable Practice, those Principles of Obedience and Loyalty which the Church of *England* has always thought it her Duty to profess.

May the Divine Providence defeat all wicked Designs that shall be formed against our holy Faith, and Your Majesty, the Defender of it: And may that God, Who has put it into Your Majesty's Heart to do such great things for us, unite the Hearts of all your Subjects in praising His Mercy for the many Blessings we enjoy under Your Majesty's most auspicious Government; and in making all the Returns of Honour and Obedience that are due to so good and gracious a Sovereign.

To this Address the King was pleased to return the following most gracious Answer :

*The King's
Answer.* My Lords, and the rest of the Clergy, I take this dutiful Address very kindly, and thank you for the Concern you express for the Peace of my Government. I depend upon the Loyalty of the Church of *England*, and you may be assured

sured of my constant Protection and Encouragement.

On Saturday, the 23d of July, the Commons read the third Time, pass'd, and sent up to the Lords by Mr. Hampden the ingrossed Bill to empower His Majesty to secure and detain suspected Persons, &c. After which Mr. Pulteney by His Majesty's Command, presented to the House, an Estimate of the Charge of Four Companies per Annum, to compleat the Coldstream Regiment of Foot Guards to Two Battalions, and for Levy-^{Estimate for} Four additional money for the same: Which Estimate was read, and referr'd to the Grand Committee on the Supply of Foot Guards. Then the House resolv'd it self into the said Committee, and came to these Two Resolutions, viz. 1. That a Sum not exceeding Two Hundred Sixty Five Thousand Seven Hundred Fifty Four Pounds, Seven Shillings, Six Pence, be granted to His Majesty for the Pay of Three Thousand Dragoons and Four Thousand Foot, Commission Officers and Non-Commission Officers included for One Year, and for the Charge of Levy-Money for the same. 2dly, That a Sum not exceeding Five Thousand Four Hundred Fifty Eight Pounds, Ten Shillings, be granted to His Majesty for the Charge of Four Companies, to compleat the Coldstream Regiment of Foot-Guards to Two Battalions, for One Year, and for Levy-Money for the same. After this it was order'd, That the Grand Committee, appointed to consider of the Bill for the further Security of His Majesty's Person and Government, &c. have Power to receive a Clause to enable His Majesty ^{to add-} to grant a Commission to administer the Oaths of minister the Allegiance, and Supremacy, and Abjuration to all the Officers, Common Seamen, and Soldiers. Then the House resolv'd it self into that Committee, and made some Progress in the said Bill: But were interrupted by Two Messages: One was from the Lords, to acquaint them that their Lordships had agreed to the Bill, entitled, *An Act to em-*
power

*Resolutions on
the Supply.*

power His Majesty to secure and detain such Persons as His Majesty shall suspect are conspiring against His Person and Government : The other Message was from His Majesty, who being come to the House of Peers with the usual State, and the Commons sent for up, and attending, His Majesty was pleased to give the Royal Assent to the said Bill.

Bill order'd to be brought in to encourage Loyalty in Scotland.

The Commons being return'd to their House, upon a Motion made by Mr. Secretary Stanhope, a Bill was order'd to be brought in for Encouraging all Superiors, Vassals, Landlords, and Tenants there, who have been or shall be guilty of Rebellious Practices against his said Majesty : And for making void all fraudulent Entails, Tailzies, and Conveyances made there, for barring or excluding the Effect of Forfeitures that may have been or shall be incurred there on any such Account : As also for calling any suspected Person or Persons in Scotland to appear at Edinburgh, or where it shall be judged expedient, to find Bail for their good Behaviour. And that Mr. Secretary Stanhope, the Ld. William Powlet, and Sir David Dalrymple do prepare and bring in the same.

Clause order'd forgiving the Reward of 100,000l. to such as shall apprehend the Pretender dead or alive.

On Monday the 25th of July, Mr. Farrer reported the Resolutions taken the Saturday before in the Grand Committee on the Sup-

ply, which were agreed to ; after which, upon a Motion made by Mr. Comptroller, it was
 Ordered, Nemine Contradicente, That it be
 an Instruction to the Committee of the Whole
 House, to whom the Bill for the further Se-
 curity of His Majesty's Person and Govern-
 ment, and the Succession of the Crown, in
 the Heirs of the late Princess Sophia, being
 Protestants, and for extinguishing the Hopes
 of the pretended Prince of Wales, and his
 Open and Secret Abettors, is committed,
 That they have Power to receive a Clause for
 rendering more Effectual the Provision made
 in

in an A^t of the First Year of His Majesty's Reign, intituled, *An Act for the better Support of His Majesty's Household, and of the Honour and Dignity of the Crown of Great-Britain, for seizing and securing the Person of the Pretender, by providing that the Sum of One Hundred Thousand Pounds shall be paid to any Person or Persons, being Natives or Foreigners, who shall seize or secure, alive or dead, the Person of the Pretender, whenever he shall land, or attempt to land, in Great-Britain or Ireland, or any other His Majesty's Dominions.*"

The next + Day, Mr. Carter reported the Amendments made to the Bill for the further Security of His Majesty's Person and Government, &c. which, with Amendments to some of them, were agreed to, and the Bill order'd to be engrossed. After this, Mr. Walpole made a Speech, wherein he took notice of the Measures the King had taken, pursuant to the Desire and Advice of that House, to secure his Dominions; but represented that in case of an Invasion the Standing Troops and the new Levies would hardly be sufficient; and as he thought it necessary, so he moved, that the Officers in Half-pay should be put in a Capacity to serve the Nation, by allowing them Full Pay. Gen. Stanhope seconded Mr. Walpole's Motion; and Gen. Ross only having made a Slight Objection to it; suggesting that, to save Expences, the Standing Regiments might be augmented, it was resolv'd, That an humble Address be presented to His Majesty, that he would be graciously pleased to allow Full Pay to such Half-pay Officers as were not otherwise provided for: and that His Majesty would give Orders to the said Officers to hold themselves in a Readiness to be employed in such manner as His Majesty should think fit: And to assure His Majesty that this House would supply such extraordinary Expence as His Majesty should be at

+ July 26.

Address for giving Full Pay to the Half pay Officers.

July 26th.

on

' on this Account, out of the next Aids to be afterwards granted by Parliament.' This Address being, the same Day, presented to the King, His Majesty was pleased to say, That he look'd upon it as a fresh Instance of the Duty and Affection of this House, and of their Zeal for the Security and Preservation of his People and Government.

^{† July 26.} Bill order'd for the better preventing Mutiny and Deser-tion. The same Day likewise, upon a Motion made by Mr. Pulteney, Secretary at War, a Bill was order'd to be brought in, for the enforcing and making more effectual an Act of this present Parliament, intituled, An Act for the better regulating the Forces to be continued in His Majesty's Service, and for the Payment of the faid Forces and their Quarters, for the better preventing Mutiny and Disertion : Which Bill was, the next [†] Day, presented to the House by Mr. Pulteney ; and read the first Time ; as was also a Bill to make the Militia of this Kingdom more useful.

^{† July 7.} Sir George Byng takes upon him the Command of the Fleet. Gen. Erle goes down to Portsmouth. On Friday, the 22d of July, Sir George Byng set out for the Downs, to take upon him the Command of His Majesty's Fleet, which was order'd to be forthwith reinforc'd with several Men of War. The same Day, General Erle went post to his Government of Portsmouth, in order to put that important Place in a Posture of Defence ; the Trained-Bands of London and Westminster were under Arms ; the next * Day

General Cadogan, by His Majesty's Command, mark'd out a Camp in Hyde-Park, for His Majesty's Horse and Foot Guards, where the Latter encamp'd the same Day, and the Former on Monday ; and the Lord Viscount Irwin was appointed Governor of Hull, in the Room of Brigadier Sutton, who, together with General Ross, General Webb, General Stewart, the Lord Windsor, Colonel Desaunay, and some other Generals and Colonels, were either dismiss'd the Service, or order'd to sell their respective Regiments.

The Guards encamp in Hyde-Park. Several General Officers and Colonels dismis'd.

On

On the 22d of July, William Pulteney, Esq; Secretary at War, by His Majesty's Command, signified his Majesty's Pleasure, 'That all Officers now in the Army do immediately repair to their respective Posts, upon Pain of His Majesty's highest Displeasure ;' and at the same Time, all such Out-Pensioners of Chelsea Hospital as had pass'd their Examination before the Lords Commissioners, were order'd to appear on Tuesday and Wednesday, the 26th and 27th of the same Month, in that Part of the said Hospital commonly call'd Burton's Court, upon Failure whereof they were to lose the Benefit of their Pension. All this while the Justices of Peace, and other inferior Magistrates of London and Westminster, were very active in searching for Horses and Arms, in the Houses of Papists and other Suspected Persons.

On the 25th of July, His Majesty in Council signed the following PROCLAMATION for suppressing Rebellions and rebellious Tumults.

GEORGE, R.
 W^Hereas of late some of the Meanest of our People have been, in divers Parts of this Kingdom, seduced and stirred up to Riots and rebellious Tumults, to the Disturbance of the Publick mults. Peace, and the same are now carry'd into open Rebellion, and a Levying of War against us, and our Royal Authority, by the said Rebels, having not only declared the End of their Rising in Arms to be to a General Purpose, and that against Law, but even proceeded with an Armed Force, in many and distant Places, to pull down, burn, and destroy the Houses and Buildings of our good and peaceable Subjects; and by their having declared for the Pretender, and actually resisted, and engaged with Force of Arms, such as by lawfull Authority were endeavouring to disperse them; and there is no room to doubt but these traiterous Proceedings are promoted and encouraged by Papists, Non jurors, and other Persons disaffected to our Government, in

Expectation of being supported from Abroad : We have therefore thought fit, for the suppressing and putting a speedy End to the said Rebellion, by and with the Advice of our Privy-Council, to issue this our Royal Proclamation, hereby declaring, That all our Officers, Civil and Military, are, by the Duty of their several Offices and Commands, obliged to use their utmost Endeavours, by Force of Arms, if necessary, to suppress all such traiterous Rebellions; and that in like manner, all the Subjects of this Realm are bound by Law to be aiding and assisting in the Suppression of such Rebellion, or may act against such Rebels without the Presence of such Officer, if the Presence of such Officer cannot be had, or if such Officer refuses or neglects to execute his Duty; and that all our dutiful and loyal Subjects may, without any express Warrant or Authority, act in Defence of their Houses, Persons, or Possessions, if attacked or assaulted by such Rebels or riotous Persons : And if any of the said Rebels shall happen to be slain; either by the Civil or Military Officers, or our Troops, or other our loyal Subjects, acting, as aforesaid, in Defence of the Laws, of our Royal Authority, and the Preservation of the Publick Peace, such Killing is justifiable, and they who do it are indemnified by Law. And we therefore strictly charge and command all our Officers, as well Civil as Military, and all other our Obedient and Loyal Subjects, That where-soever they shall meet with the said Rebels and Traitors, so, as aforesaid, in Arms and Open Rebellion against us, they do endeavour, without Delay, to suppress them with their utmost Force, and to treat them with that Severity with which Rebels and Traitors, found in actual War and Rebellion against the Crown, may be treated. Given at our Court at St. James's, the Twenty Fifth Day of July,

* July 25. in the First Year of our Reign.

At the same * Time, His Maj. signed Two other Proclamations, one for putting the Laws in execution against Papists and Nonjurors; the other

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commanding all Papists and reputed Papists, to depart from the Cities of London and Westminster, on or before the 8th Day of August next ensuing, and from within Ten Miles of the same, and confining them to their Habitations: Both which were grounded on the many Riots that had been in divers Parts of this Kingdom; and on the certain Advice His Majesty had received, that the Pretender was preparing to invade these Kingdoms.

In Imitation of both Houses of Parliament, most Corporations, and other Bodies of Men in His Majesty's Dominions, thought it their Duty, at this critical and dangerous Juncture, to express their Loyalty and Affection to His Majesty's Person and Government. The Address of the Common Council of the City of London, which on the 28th of July was presented to His Majesty, by the Lord Mayor, and a few of the Aldermen, being drawn up by the Tory Party, was lukewarm, and therefore not very acceptable, being as follows:

To the KING's Most Excellent Majesty.
The Humble Address of the Lord Mayor, Alder-

*Address of the
Common-
council of the
men, and Commons of the City of Lon-
don.*

Common Council assembled.

Most Gracious Sovereign.

WE the Lord Mayor, Aldermen, and Commons, in Common-council assembled, do with all Humility approach your Royal Presence, craving Leave to shew our utmost Concern at the Danger that seems now to threaten Your Majesty and your Kingdoms, from the intended Invasion thereof by the Pretender, as Your Maj. hath been graciously pleased to inform your People from the Throne; which intended Attempt, we fear, hath been too much encouraged by Papists, Non-jurors, and Persons of Antimonarchical and Rebellious Principles, who have ever been declared Enemies to our most excellent Constitution both in Church and State.

It is with great Satisfaction that we have observed Your Majesty's repeated Assurances (on which we entirely rely) for the Protection and Support of the Church of *England* as by Law established (so much favoured and encouraged by Her late Majesty Queen *Anne*, of Glorious and Immortal Memory ; whereby she endeared herself to her Subjects) which Church, as it retains the greatest Purity in its Worship, so it teaches such Doctrines, and professes such Principles as are most consistent with Your Majesty's Safety, the Peace of all Government, and the Preservation of our happy Constitution.

We therefore, taught by the Doctrines of this our holy Church, do most hnmbly assure Your Majesty, that we have the utmost Abhorrence and Detestation of all seditious Rioters and tumultuous Persons, and their open and secret Abettors, who do in the least encourage the Hopes of the *Pretender* ; and will continue our Endeavours to suppress and discountenance the same : And do further assure Your Majesty of our steddy Adherence to your Royal Person and Government, against the *Pretender* and all other Your Majesty's Enemies, at Home and Abroad.

However, His Majesty was pleas'd to return the following most gracious Answer.

The King's Answer. I Thank you for the seasonable Assurances you give me in this Juncture, of your steddy Adherence to my Person and Government.

I am firmly resolv'd to protect and encourage the Church of *England* as by Law established ; and to do every thing that may promote the Good of my People.

* July 27. The next * Day, the Lord Mayor of *London*, with a Train of above Fifty Coaches, went to *St. James's*, and presented to His Majesty an Address of a different Strain and Spirit, being as follows :

To the KING's Most Excellent Majesty. *Address of the
The Humble Address of the Lord Mayor, and the Lieutenancy
rest of your Majesty's Commissioners of Lieute- of the City of
nancy for your City of London.* London.

Most Gracious Sovereign,

YOUR Majesty is so ill treated by those who are unworthy of you, that we, Your Majesty's most faithful and loyal Subjects, cannot but think it our Duty at this Juncture, to distinguish our Zeal and Affection for your sacred Person and Government, and give Your Majesty fresh Assurances, that we will stand by you, and strengthen your Hands against your Enemies.

We are not surpriz'd to hear that the *Pretender* is forming a Design to invade Your Majesty's Dominions; it was easy to presage, that the wicked Bargain which was lately made by the Betrayers of their Country, was intended to pave the Way for him, and to inspire him with new Hopes and Encouragements; and it was natural to expect, that those who had bought us, would lay hold of the first Opportunity to send over that Impostor, to take possession of us for their Use, and to govern us by *Popish* Maxims and Arbitrary Principles.

As the Mask of Faction is taken off, we see that which was before even too gross to be believed; we see Non-resisting Rebels, Passive-Obedience Rioters, Abjuring Jacobites, and *Frenchify'd Englishmen*: Monsters which no Age or Country produced till now!

But we are not at all discouraged at these things, we are persuaded that they who could trifl with solemn Oaths, and dissemble with God and Man, can never prosper; we trust, under Providence, to the Righteousness of our Cause, and to the Wisdom and Virtue of Your Majesty and your Council. And as the wicked Designs of ruining the best Church, and the best Constitution in the World, by bringing in *Popery* and Slavery, are now laid open, we do not doubt but

but that the Authors will be forsaken by their deluded Adherents, and freely given up to the Justice of an injur'd Nation.

It is Matter of Shame as well as Grief, to see a Prince who left Peaceful Dominions and Faithful Subjects, that he might make us happy and flourishing, so ill requited by an ungrateful Faction; but we do assure Your Majesty, that the Considerate and Honest amongst Your Subjects (which are a great Majority) know how to value the Blessing of a Good King. And we do, for our own parts, promise to support (as far as in us lies) Your Majesty's Crown and Dignity, and the Succession of your Royal Line, with our Lives and Fortunes, which Your Majesty came most seasonably to rescue, when they were in the most imminent Danger.

The King's Answer. His Majesty's most gracious Ans. was to this effect.

THE seasonable Zeal you express in this dutiful Address, is most grateful to me; and you may depend upon my constant Endeavours to secure to you, and to all my People, the Enjoyment of their Religion, Liberty and Property.

* Aug. 16th, Some Time * after the following Address
Address of the was presented to His Majesty by his Grace the
University of Duke of Somerset, Chancellor of the University
Cambridge. of Cambridge, attended by the Reverend the
Vice-Chancellor, and several Masters of Colleges, with divers other Members of that Uni-
versity.

*The humble Address of the Chancellor, Masters
and Scholars of the University of Cambridge.*

Most gracious Sovereign,

WE presume to appear in your Royal Presence to testifie our Zeal and Affection to your Person and Government, called to it by the just Concern we are under from the Danger which threatens Your Majesty and your People; a Danger in which not only the present Age, but even the latest Posterity is deeply concerned: For the Liberty and establish'd Religion of Britain, as they have in Your Maje-
sty

ity and your Family the best, so have they also, in all human Views, the last Support.

In these Circumstances we shou'd forget not only our Oaths and Obligations, but even ourselves and those who are dearest to us, shou'd we not be forward to pay all due Allegiance to Your Majesty; and those must break thro' all the Ties of natural Affection, who can now be guilty of the Crime of Treason. While we enjoyed the Blessing of our late excellent Princess (whose Memory will be ever dear and sacred to us) your Title to this Crown was always our second Care, as your peaceable Enjoyment of it is now become our first; and we chearfully embrace this Opportunity to declare to Your Majesty what we have constantly profest, That we do acknowledge Your Majesty for the only lawful and rightful King of these Realms; and that we will, by all means suitable to our Station, maintain and support the Title and Interest of Your Majesty and your Family against all Opposers whatever.

As Your Majesty has been so gracious as to promise that the Constitution in Church and State shall be the Rule of your Government, an Assurance which has made a lasting Impression on our Minds; so we heartily wish that all your Subjects, led to a Sense of their Duty by your Royal Example, may make the same Constitution the Rule of their Obedience. Such Consent is the natural Strength of Kingdoms, and wou'd defeat the Attempts and Hopes of all our Enemies: And for our selves (whatever Representations have been made to our Prejudice) we do assure Your Majesty, that we have and will so instruct the Youth committed to our Care, that in their dutiful Behaviour towards Your Majesty they may shew forth an Example of those Principles of Loyalty and Obedience, which this University, pursuing the Doctrines

Doctrines of our Church, has ever steadily maintained.

To which the King return'd this most gracious Answer.

*The King's
Answer.*

I Thank you for this dutiful and loyal Address: The University may always depend upon my Favour and Encouragement.

+ Aug. 16th. The same + Day the following Address was presented to His Majesty, by Mr. Nathaniel Hodes, accompanied by divers Ministers of the several Denominations of Protestant Dissenters, introduced by his Grace the Duke of Newcastle, Lord Lieutenant of the County of Middlesex.

To the KING's most Excellent Majesty.

The humble Address of the Protestant Dissenting Ministers, of the several Denominations in and about the Cities of London and Westminster.

May it please Your Majesty,

WE Your Majesty's most loyal Subjects, think our selves oblig'd in Duty and Gratitude humbly to acknowledge that seasonable Protection which Your Majesty has been pleas'd to give to those of our Persuasion from the late Rebellious Tumults, and for your gracious Answer to the Address of your faithful Commons, wherein they desire that a full Compensation be made to those whose Sufferings they so justly impute to their Zeal and firm Adherence to Your Majesty and your Government.

We can assure Your Majesty, that no just Occasion has been given by us to our Fellow-Subjects for any such Treatment; nor can the Principles which oblige us to dissent from the Church of England, be a reasonable Provocation to any who have the least regard to the Common Rights of Mankind, or the Rules of the Christian Religion.

We desire nothing more than to enjoy our Civil Rights, with a just Liberty to profess our own Religious Sentiments, which we take to be

Privilege due to all Men. We have been always ready to assist the Church of *England* in defence of the *Protestant Religion*, when in real and imminent Danger ; being agreed with them, and all *Protestant Churches*, in those Principles that began the Reformation ; and which alone can justify and support it.

When there has been a Design to introduce *Papery* and Arbitrary Power, the *Protestant Dissenters* have generally been first attack'd ; nor know we any other Reason why we have now suffer'd the Outrage of *Papists*, *Nonjurors*, and other disaffected Persons, but that they were sure we were a Body of Men fix'd in our Duty to Your Majesty, and lay most expos'd to popular Insults, against which Your Maj. and your Two Houses of Parliament, in your great Wisdom and Goodness, have given us a seasonable and we hope effectual Security for time to come.

Whilst Your Majesty's Government is disturb'd at Home, and threatned with an Invasion from Abroad, we can answer for those of our Persuasion, that there are not any of them whose Principles and Inclinations will not influence them to assist and support Your Majesty and the *Protestant Religion* to the utmost of their Power ; we look upon our selves bound by the strongest Ties of Duty, Gratitude and Interest, to acknowledge and maintain Your Majesty's undoubted Right and Title to the Imperial Crown of these Realms, and to declare our utmost Abhorrence of all Attempts either at Home or Abroad in favour of a *Popish Pretender*.

May that gracious Providence that has so signally appear'd in bringing Your Majesty to the Throne of these Kingdoms, continue to protect and defend your Royal Person and Family, against all Attempts of your open and secret Enemies. His Majesty's most Gracious Answer was as follows :

I Am very much concern'd at the unchristian and barbarous Treatment, which those of your Persuasion have met with in several Parts of my

Kingdom, and Care shall be taken that a full Compensation be made to them for their Sufferings.

Many other Addresses were, during this Month, presented to His Majesty, which, by reason of the narrow Bounds of this History, cannot find a Place in it: We shall only take notice, that the University of Oxford had also prepared an Address to be presented to His Majesty; but the Deputies they had sent up to London for that Purpose, were given to understand, ‘ That ‘ as they had shewn a manifest Disrespect to His ‘ Majesty’s Person and Government in all their ‘ late Proceedings, so His Majesty expected they ‘ should convince him of their Loyalty by their

The Address from Oxford refused. Actions, and not by Words.’ Nor was this Sharp Rebuke altogether undeserved; for besides the former undutiful Behaviour of some Members of that learned Body, it is to be observ’d, that, at this very Juncture, some Officers who raised Men for the new Regiments of Dragoons, were + insulted by some Scholars; and hardly escaped with their Lives.

New Disturbance there. On the 4th of August, Their Excellencies, Messieurs Van Duvenvoorde and Van Borsele, Ambassadors Extraordinary from the States-General of the United Provinces, had Audience of His Majesty, and in the Name of their Masters declared, ‘ That upon what had been communicated to them on the Part of His Majesty, touching the Invasion with which his Domions were threaten’d by the Pretender, Their High Mightinesses had pass’d a Resolution, pursuant to which they had sent Orders to the said Ambassadors, to give His Majesty positive Assurances, in the most express Terms, of their constant Readiness fully to perform their Engagements with the Crown of Great Britain.

Count Coningseck offers the King some Imperial Troops. Some Days before, Count Coningseck, the Emperor’s Minister, who was lately come over from the Netherlands, to settle some Points relating to the Barrier, offer’d to assist His Majesty with some Imperial Troops: But the King and

Two Regiments in Newport sent for over.

I thank you for this dutiful and loyal Address, and you may be assured of my Protection.

his Council did not think the Danger so pressing as to have need of Foreign Forces ; and therefore contented themselves with sending for the Two English Regiments of Foot that were in Garrison in Newport, whose Room was supply'd by Imperialists.

The Parliament having readily concurr'd in all the necessary Measures to secure His Majesty's Proceedings of Dominions, the Commons thought fit vigorously the Commons. to prosecute the late Offenders. Accordingly, on Saturday, the 30th of July, Mr. Walpole reported from the Committee of Secrecy, ' That they had directed him to exhibit further Articles of Impeachment of High Crimes and Misdemeanors, against Robert, Earl of Oxford and Earl Mortimer, which he read in his Place ; and afterwards deliver'd them in at the Table, where they were read. And a Motion being made and the Question put, that the further Consideration of the said Articles be adjourn'd till the Tuesday following, it pass'd in the Negative. After this it was order'd, That the said Articles be read Article by Article ; which was done accordingly, and, with Amendments to one of them, upon the Question severally put thereupon, they were agreed to by the House ; and order'd, First, That the said Articles be engrossed ; Secondly, That a Clause be prepared for saving Liberty to the Commons to exhibit any further Articles against the said Earl of Oxford and Earl Mortimer. Then the Commons, by reason of the Anniversary of His Majesty's happy Accession to the Throne, which fell on Monday the 1st of August, adjourn'd to Tuesday the 2d ; when the Ingrossed further Articles of Impeachment against Robert, Earl of Oxford and Earl Mortimer, for High Crimes and Misdemeanors, were read ; after which it was order'd, That the Lord Coningsby do carry the said Articles to the Lords ; which His Lordship did immediately. The said Further Articles are as follows :

ARTICLE XVII.

That whereas in or about the Month of January, in the Year 1710 11, a dangerous and destructive Expedition had been projected and set on foot, under Pretence of making a Conquest on the Possessions of the French King in *North America*, but with a real Design to promote his Interests, by weak'ning the Confederate Army in *Flanders*, and dissipating the Naval Force of this Kingdom, as well as for the sake of the private Interests and corrupt Gain of the Promoters of the said Expedition; he the said *Robert, Earl of Oxford and Earl Mortimer*, being then one of Her late Majesty's Privy Council, and one of the Commissioners of Her Majesty's Treasury was not only wanting in his Duty to Her late Majesty, by wilfully and indolitriously absenting the Meetings of other Persons, then in High Trust under Her Majesty, wherein the said Expedition was concerted, and by not advising Her Majesty against, and doing what in him lay, to have prevented the putting the same in execution, but did, contrary to his Oath, and the high Trust then reposed in him, advise Her Majesty to consent to the making an Expedition for the conquering *Canada*, and the City of *Quebeck*, on the River of St. *Lawrence*, in *North America*; and in Execution of his said evil Counsels, he did further advise Her Majesty to give Orders for detaching several Battallions of the Forces then in the Service of Her Majesty, in Conjunction with her Allies in *Flanders*, and to send the same with a large Squadron of Men of War, on the said Enterprize; altho' the said *Robert, E. of Ox-d and E. Mort-r*, well knew, that the said Project or Expedition having been frequently deliberated on and maturely consider'd, a short Time before, in a Committee of Council, was then laid aside as dangerous and impracticable. And a Demand being made at the Treasury, on or about the Months of *May* or *June*, 1711, for the Sum of 28000*l.* or thereabouts, on Pretence of Arms and Merchandise said to be sent in the said Expedition to *Canada*, He the said *Robert, Earl of Oxford and Earl Mortimer*, being then Lord High Treasurer of *Great Britain*, and one of Her Majesty's Privy Council, tho' he well knew, or had Reason to suspect, that the same was an Unjust and Exorbitant Demand, and a great Abuse on Her Majesty and the Publick, and such as ought not to have

been

been comply'd with, was not only wanting in his Duty to Her Majesty, in not giving his humble Advice against the said Demand, or at least in not representing to Her Majesty the Grounds of such his Suspicion, but did, contrary to his Oath and his Duty, advise Her Majesty that the said Sums should be issued and paid, and did accordingly countersign a Warrant to the Paymaster of Her Majesty's Forces, for the Payment of the same, pursuant to which the same was afterwards issued and received. And in further Violation of his Oath, his Duty and Trust, and with the most corrupt Design to prevent the Justice, due to Her Majesty and the Nation, he the said *Robert, Earl of Oxford and Earl Mortimer*, being then Lord High Treasurer of Great Britain, and exercising a most Unexampled Arbitrary Power, not only in Her Majesty's Private Councils, but extending his Evil Influences to the Great Council of the Nation: After the said Expedition had prov'd unsuccessful, and it had been discover'd to him the said *Robert, Earl of Oxford and Earl Mortimer*, that the Nation had been cheated of above Twenty Thousand Pounds on that Account, did most ungratefully and corruptly employ his wicked Arts, and the Credit which he had gain'd, by his false and crafty Insinuations and Practices, to keep the House of Commons from examining that Affair. And in or about the Month of Aug. 1714, in a Letter or Memorial, under his own Hand, to Her late Majesty, he did presume, not only to insinuate the ill Opinion he therein pretended always to have had of the said Expedition, but did declare the Suspicions he had of the great Injury and Abuse done to Her Majesty and the Publick, in the Demand of the said 28000*l.* even at that Time, when the same was made; and that the Publick had been cheated of above 20000*l.* on that Account; and in the said Memorial did presume further to declare to Her Majesty, ' That he was forc'd to use all his Skill and Credit to keep the House of Commons from examining that Affair the Last Parliament, thereby vainly, but most wickedly, recommending himself to the Continuance of Her Majesty's Favour, by the Success of his most profligate Measures. By all which unparalleled Corruptions, and most dangerous Counsels and Practices of him the said *Robert, Earl of Oxford and Earl Mortimer*, the good and faithful Allies of Her Majesty were deprived of the Aid

Aid of Her Majesty's Troops, to which they were intitled by their Conventions, and the Confederate Army in *Flanders* was greatly diminisht'd, to the apparent Advantage of the common Enemy. The publick Money, granted by Parliament for reducing the Power of *France*, and which was expressly appropriated for other special Services, was arbitrarily and illegally misapplied and embezel'd, and an heavy Debt incur'd on the Nation, not only sitting the Parliament, but even in Contempt and Defiance of a Representation made by the H. of Commons to the Throne, even whilst the said Expedition was concerting, and whereby the highest Injustice was done, in suppressing an Enquiry, so just to Her Majesty and her People, and a lasting Reproach and Scandal brought on that House of Commons of which he boasted, as having been wrought on by his corrupt Influence, not to examine into so high and so scandalous an Abuse.

A R T I C L E XVIII.

That the said *Robert, Earl of Oxford and Earl Mortimer*, not contented with the high Employments and Places of Honour and Profit bestow'd on him by her late Majesty, nor with the large and excessive Gains by him made by the Incomes and Profits of the said Employments, on or about the Month of *October, 1711*, whilst the Nation was engaged in a most expensive War against *France* and *Spain*, for preserving the Ballance and Liberties of *Europe*, and greatly exhausted with the Supplies and Taxes for carrying on the same, and was under such heavy Debts as were impossible to be satisfy'd, without the utmost Frugality or laying grievous Taxes upon the Commons of *Great-Britain*: Contrary to his Oath and his high Trust, and making a most dishonourable and ungrateful use of the ready Access he had to her late Majesty, did prevail on and advise Her Majesty to sign a Warrant to himself, being then Lord High Treasurer of *Great-Britain*, for the Issuing and Payment of the Sum of Thirteen Thousand Pounds to *John Drummond, Esq;* or his Assigns for such special Services relating to the War as Her Majesty had directed; And the said *Robert, Earl of Oxford and Earl Mortimer*, on or about the Twenty Fourth of November following in pursuance of the said Warrant under Her Majesty's Sign Manual, did sign a Warrant for the Payment of the said Thirteen Thousand Pounds for such special

special Services of the War, as Her Majesty had directed, altho' no special Services had been, or were at any time afterwards directed by Her Majesty, to which the said Moneys were to be applied. And the said *Robert, Earl of Oxford* and *Earl Mortimer*, having privately desir'd leave of the said *Drummond* to strike some Tin Tallies in his the said *Drummond's* Name, he did pursuant thereto, direct that Orders amounting to the Sum of Thirteen Thousand Pounds should be charg'd in the Register of the *Exchequer* on the Moneys arising by the Sale of Tin in the Name of the said *John Drummond*; And tho' the same were accordingly struck in the Name of the said *Drummond*, in or about the Month of November Seventeen Hundred and Eleven, they were not deliver'd out to the said *Drummond*, but were kept in the Treasury-Chamber, or elsewhere in the Power or Custody of the said Earl, till the End of January following; when the said *Drummond* having occasion, as the said *Robert, Earl of Oxford* and *Earl Mortimer* well knew, to go into *Holland*, at the desire and request of the said Earl, he indors'd his Name on the said Orders, and by the Direction of the said Earl the same were left in the Hands of Mr. *John Taylour* a Clerk of the Treasury; And the said *Robert, Earl of Oxford* and *Earl Mortimer* did in or about the Month of June, Seventeen Hundred and Twelve, send an Order in Writing to the said Mr. *Taylour* to deliver the said Tallies, (he having before that Time got Possession of the Orders) to a Servant of the said Earl, which was done accordingly, the said Indorsements not being at that Time fill'd up: And the said *Robert, Earl of Oxford* and *Earl Mortimer* having by these corrupt and scandalous Methods got the said Tallies and Orders into his own Hands, did afterwards fill up the Order of Twelve Thousand Pounds, part of the said Thirteen Thousand Pounds to himself, and the remaining Part to such other Persons as he thought fit; And did afterwards on or about the Months of *August, October* and *November* Seventeen Hundred and Thirteen, at several Times dispose of the said Orders and Tallies to his own private Use and Advantage. And to cover the said scandalous Embezzlements, he the said *Robert, Earl of Oxford* and *Earl Mortimer*, did afterwards, as he pretends, advise and prevail on Her Majesty, on or about the Fourteenth of

December

December, Seventeen Hundred and Thirteen, being near Two Years after the Indorsement by the said *Drummond*, and some Time after the Earl had dispos'd of the said Orders and Tallies to his own use, to Sign a Warrant prepar'd by himself wherein after the Recital of ' (His own good and faithful Services, which had tended to the Quiet, Safety and Prosperity of Her Majesty and her Realms, tho' accompanied with great hazard to himself, and his Family ; and that Her Majesty was resolv'd to bestow upon him a Sum of ready Money: But the said Earl presenting to Her Majesty, that the Arrears then due to her Servants and Tradesmen were very great and pressing, Her Majesty did therefore agree and determine that he should have to his own use the said several Sums amounting to Thirteen Thousand Pounds compris'd in the Orders aforesaid, which were then not due in course of Payment,) It was directed that the said *Drummond* should assign the said Orders, and the whole Right and Benefit thereof to the said Earl and his Assigns ; Altho' the said Earl had privately and clandestinely procur'd from the said *Drummond* an assignment of the said Warrant and Orders near two Years before, and had fraudulently and corruptly dispos'd and converted them to his own use without her Majesty's privity or consent, some time before her Majesty was prevail'd on to sign the said Warrant. And tho' the last mentioned Warrant, if any such there be, was not communicated to the said *Drummond* by the said E. during her Majesties Life, nor was the same countersign'd nor entred in the Treasury, yet he the said *Robert Earl of Oxford* and *Mortimer*, even after his said Corruption had been discover'd in Parliament, did presume, even without the Knowledge of the said *Drummond*, to send the said Warrant to the Commissioners of his Majesty's Treasury, desiring that the same might then have been entred in the Treasury ; but the same was with great Honour and Justice refus'd to be so entred. By which most vile and scandalous Corruption, he the said *Robert Earl of Oxford*, and *Earl Mortimer* was guilty of the most notorious Breach of his Oath and Trust as Lord High Treasurer of Great Britain, of the highest Abuse of her Majesties Goodness, and Embezelment of her Treasure, and of the greatest Injustice and Oppression of other her Majesties Subjects.

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ARTICLE XIX.

That whereas by the establish'd and known Laws of this Kingdom, the Allowances or Appointments for the Maintenance and Support of Embassadors, Envoys, Plenipotentiaries, and other Publick Ministers of the Crown in Foreign Courts, ought to be ascertain'd in due Form of Law, as well in Honour as in Justice to the Imperial Crown of these Realms, and whereas the said Robert, Earl of Oxford and Earl Mortimer, in or about the Month of July or August, 1712, sent Matthew Prior, Esq; an Instrument and Creature of his own, into France, for the carrying on his Separate and dangerous Negotiations; and did afterwards, in the Month of November, 1712, by his evil Councils prevail on Her late Majesty, without the Privity of, or any Communication with her Allies, to send the said Matthew Prior as Her Majesty's Plenipotentiary to the French King, with Instructions to treat and conclude Matters of the highest Importance, relating to the general Negotiations of Peace; but the same was a treacherous and wicked Contrivance of him the said Robert, Earl of Oxford and Earl Mortimer, for the more effectual carrying on and promoting his private, separate, and dangerous Practices, with the Ministers of France, and the Enemies of Her Majesty and her Kingdoms, he the said Robert, Earl of Oxford and Earl Mortimer, not regarding his Oath, or his high Trust, or the Laws of the Kingdom, did most corruptly and scandalously combine with the said Matthew Prior for the defrauding Her Majesty of very great Sums, under the Colour of his said Employments in France; and to that End, the said Earl did contrive that the said Prior should be sent into France, with the Character aforesaid, but without any Settled Appointments and Allowances; but in the stead and lieu thereof, he the said Robert, Earl of Oxford and Earl Mortimer, did give the said Matthew Prior an Unlimited Credit, and did promise to answer and pay such Bills as the said Prior should draw on him during his Residence in France; Pursuant to which Contrivance and corrupt Agreement, he the said Matthew Prior did between the 27th of August, in the Year 1712, N. S. or thereabouts, and the Tenth of July 1714, at several times draw Bills of Exchange, to the amount of Twelve thousand three hundred and sixty Pounds, or thereabouts, on him the said Robert Earl of Oxford and Earl Mortimer, which he being then Lord High Treasurer

of Great Britain, did advise and prevail on Her Majesty to sign Warrants for the Payment of, and, did countersign the same, altho' the said *Prior* was no way intituled to any such Allowances by reason of his said Employment, and the same greatly exceeded the Allowance even of an Ambassador of the Crown of Great Britain. And the said *Robert Earl of Oxford and Mortimer*, did in the Years 1712, 1713, and 1714, without any Colour of Authority, but for the further promoting his corrupt and wicked Purposes, prevail on and advise Her Majesty to sign Warrants, which were countersign'd by himself for the Payment of the Sum of Five thousand five hundred and sixty Pounds, or thereabouts, to the use of *Thomas Harley, Esq;* a near Relation and Emissary of him the said *Robert Earl of Oxford and Earl Mortimer*, out of the Moneys appropriated to the use of Her Majesty's Civil List, and did, in like manner, at several times in the Years aforesaid, most illegally, fraudulently and corruptly Issue or Direct, or advise the Direction and Payment of several other large Sums of Money, to other Persons out of Her Majesty's Treasury : By which most illegal and scandalous Management the said *Robert E. of Oxford and Earl Mortimer* has introduc'd a Practice highly prejudicial to, and utterly inconsistent with the Constitution of this Kingdom, and of the most pernicious Consequence, by opening a way for the most dangerous Corruptions ; and was not only guilty of a notorious Breach of his Oath, but enter'd into the most base and scandalous Combination with the Persons above mention'd, and others, under Pretence and Colour of promoting Her Majesty's Service, to defraud Her Majesty of the Publick Money, which he was intrusted with the Management of, for the Support of the honour and dignity of the Crown.

ARTICLE XX.

That whereas the Revenues arising to the Crown from the hereditary Excise and Post Office, or some parts thereof, were by virtue of Letters Patents of the late King *James II.* charged with and made liable to certain Annuities or Yearly Sums, in Trust for, or to the Use of, *Mary the Consort* of the said King *James II.* But the said Revenues were afterwards by several Acts of Parliament granted and settled for the Support of the Royal Household, and
of

of the Honour and Dignity of the Crown; or for other publick Uses, without any saving or exception of the said Letters Patents. And whereas by an Act made in the twelfth Year of her late Majesty's Reign, the Sum of Five hundred thousand Pound was granted to her late Majesty for the discharge of divers Arrears of Salaries, Diet Monies, and other Allowances, and sundry Debts for Pre-emptions, Provisions, and other Causes, which had then incur'd and grown due to her late Majesty's Servants, Tradesmen, and others, and were occasioned by several extraordinary Expences since the Act for the better support of Her Majesty's Household, and of the Honour and Dignity of the Crown: And the said Sum of Five hundred thousand Pound was expressly appropriated to the Uses aforesumption'd, in Aid of the said Revenues or Branches which were appointed for the Support of Her Majesty's Household, and of the Honour and Dignity of the Crown: And whereas by an Act made in the thirteenth and fourteenth Years of his late Majesty King *William III.* It was Enacted, for preventing Traiterous Correspondence between his Majesty's Subjects and the pretended Prince of *Wales* or his Adherents; ' That if any of the Subjects of the ' Crown of *England* from and after the first Day of *March* ' 1701. should within this Realm or without, hold, enter- ' tain, or keep any Intelligence or Correspondence in Per- ' son, or by Letters, Messages or otherwise, with the said ' pretended Prince of *Wales*, or with any Person or Persons ' employ'd by him, knowing such Person to be so employ'd, ' or should by Bill of Exchange or otherwise, Remit or Pay ' any Sum or Sums of Money for the Use or Service of the ' said pretended Prince of *Wales*, knowing such Money to be ' for such Use or Service, such Person so offending being ' lawfully convicted, should be taken, deemed and adjudged ' to be guilty of High Treason, and shall suffer and for- ' feit as in Cases of High Treason. He the said *Robert Earl* of *Oxford* and *Earl Mortimer*, having by the means of the said *Matthew Prior*, held a private and unlawful Correspondence with the said Consort of the late King *James II.* then residing in *France*, and being determin'd secretly to promote as far as in him lay, the Interest of the Pretender, but yet contriving to avoid the said Penalty of High Tre- son;

son; And the said Consort of his late Majesty King James II having empower'd *Abbot Gaultier* (a Popish Priest, and busy Emissary between Great Britain and France, during the said private and separate Negotiations of Peace, and who was particularly entrusted as the Common Agent between the Ministers of Great Britain and France, in transacting the most secret Affairs relating to the Pretender,) to concert with the said Robert Earl of Oxford and Earl Mortimer the settling the Payment and Remittance of a very great Yearly Sum out of Her Majesty's Treasure into France, under colour and pretence of the said Letters Patents; And the said Robet Earl of Oxford and Mortimer, having held frequent clandestine Conferences with the said Abb. Gaultier on the Subject aforesaid, and having by his evil Counsels sacrificed to France the Common Interests of Europe; and being resolved that the first Fruits of the Peace with France, should be an offering made, by his immediate Procurement, to the nearest and most avowed Adherent of the Pretender, tho' at the great expence of the honour and safety of Her Majesty and Her People, did soon after the Conclusion of the Peace with France, agree and undertake to procure the Payment of the Yearly Sum of Forty Seven Thousand Pounds and upwards to or for the use of the said Consort during her Life. And in Execution of his said purpose did afterwards on or about the 23d of December, 1713. being then Lord High Treasurer of Great Britain, and of Her Majesty's Privy Council, advise Her late Majesty to sign a Warrant to himself in the Words, or to the effect following, (viz) Ann R. Whereas our late Royal Father King James the Second, by Letters Patents under his Great Seal, bearing date, on or about the 28th Day of August, 1685. did Grant unto Laurence Earl of Rochester, Henry Earl of Peterborough, Sidney Lord Godolphin, Robert Wor-den, Esq; and Sir Edward Herbert Knight; (who are all since deceased) Divers Annuities, or Yearly Sums amounting to Thirty Seven Thousand Three Hundred and Twenty Eight Pounds Thirteen Shillings and Seven Pence, to hold to them and their Heirs during the Life of his then Royal Consort, Mary now Queen Dowager in Trust for her; and by other Letters Patents bearing date on or about the 3d Day of December, 1686. did also Grant unto the said Queen, a farther Pension or Yearly Sum of Ten Thousand Pounds to hold during

during her natural Life, all which were made payable in such manner as in the said several Letters Patents is more fully express. Our Will and Pleasure now is, and we do hereby Direct, Authorize and Command, that you cause Payment to be made to the Heirs of such of the said Trustees as was the longest Liver of them, of so much as since the 25th Day of March last, 1713. is incurred or grown due on the said Annuity or Yearly Sums amounting to Thirty seven thousand three hundred twenty eight pounds thirteen Shillings and seven Pence, and to the said Queen Dowager or her Assigns of so much as since the said 25th of March last, 1713. is incurred or grown due on the said Annuity, of Ten Thousand Pounds, according to the purport of the several Grants, or Letters Patents above recited, as also of what shall hereafter become due and payable upon the said several Annuities Quarterly, during the Life of the said Queen Dowager, and for so doing, this shall be your Warrant given at our Court at Windsor, Castle the 23d Day of December 1713. in the Twelfth Year of our Reign. And he did, afterwards, on or about the 24th of December following, sign a Warrant to the Auditor of the Receipt of her said Majesty's Exchequer, requiring him to make and pass Debentures for paying to such Person or Persons, as is, are, or shall be authorized to receive the Sum of Nine thousand three hundred thirty-two pounds three shillings and four pence three Farthings for one Quarter incur'd upon the said several Yearly Sums therein mentioned from *Lady Day* to *Midsummer* following, and appointed the same to be satisfied out of the Sum of Five hundred thousand Pounds appropriated by an Act passed the last Session of Parliament, for or towards payment of such Debts and Arrears as were therein mentioned. And another Warrant to the said Auditor to make and pass Debentures for paying to said Queen, or to Her Treasurer, or Receiver, the Sum of Two thousand five hundred Pounds, for one Quarter incur'd on the said Pension of Ten thousand Pounds from *Lady Day* 1713. to *Midsummer* then last past, and appointed the same to be satisfied out of the Sum of Five hundred thousand Pounds appropriated by an Act passed the then last Session of Parliament, for or towards payment of such Debts and Arrears as were therein mentioned;

Whereby

Whereby the said *Robert Earl of Oxford and Earl Mortimer*, did most wickedly betray the Honour of her late Majesty and the Imperial Crown of these Realms in advising her Majesty, under Colour of the said Letters Patents, and without the Advice of her Council or her Parliament, to direct the Issuing of the Revenue provided by Parliament, for the Support of the Honour and Dignity of her Crown, to the use and benefit of the open and avowed Adherents of the Pretender. And did most Arbitrarily, Illegally and Corruptly advise the Imbezeling and Misapplication of so much of the said Sum of Five hundred thousand Pounds, in contempt and defiance of the Express Appropriation of an Act of Parliament.

ARTICLE XXI.

That whereas by the antient and undoubted Laws of this Kingdom no Person being a natural born Subject of this Realm, or within any of the Dominions thereunto belonging, and having committed and being under the Guilt of High Treason, ought to be receiv'd within this Kingdom, as a publick Minister, or with any Character from any Foreign Prince, State, or Potentate; And whereas sometime in the Year 1713. one *Patrick Lilech*, stiling himself, and commonly call'd, *Sir Patrick Lawless*, an *Irish Papist*, (who had serv'd with the late King *James the Second*, in the War in *Ireland*, against his late Majesty King *William the Third* of ever glorious Memory; had followed the said King *James* into *France*, and continu'd in the most open and avowed manner, in his Interests and Service, and in Rebellion against his said Majesty King *William*, had bore high Commissions, and been in open Arms against Her late Majesty Queen *Anne* in the late War in *Spain*,) did come into this Kingdom, and pretended to have and did take on himself the Character of a Minister sent from *Philip King of Spain*, to Her late Majesty, to treat of Matters of the greatest Importance to the Honour and Safety of Her Majesty and Her Kingdoms, and having given notice of the same to *Robert Earl of Oxford and Earl Mortimer*, then Lord High Treasurer of Great Britain, and of Her Majesty's Privy Council, and who then assumed to himself the Supreme Direction in her Majesty's Counsels, He the said *Robert Earl of Oxford and Earl Mortimer* was not only wanting

wanting in his Duty to Her Majesty, in not advising Her Majesty against receiving and admitting the said *Lilech*, alias *Lawless* in the Quality aforesaid, but did, together with other false and evil Councillors, advise Her Majesty to receive and admit him as a Minister from his said Catholick Majesty. And the said Earl did presume frequently to Meet, Confer and Negotiate the most important Affairs of this Nation with the said *Lilech* alias *Lawless*, in the Quality aforesaid. And the better to conceal his said illegal and dangerous Measures from Her said Majesty, he the said *Robert Earl of Oxford* and *Earl Mortimer*, was privy, consenting and advising that the said *Lilech* alias *Lawless* should be introduced to her said Majesty, and should be received and treated with, by Her Ministers, under the false and disguised Name of *Don Carlo Moro*. And the House of Lords, sometime in the Month of *April*, 1714. having taken notice of the said dangerous Attempt of the said *Lilech* alias *Lawless*, on or about the Ninth of the said Month, made an humble Address to Her Majesty, "That She would be graciously pleased to issue Her Royal Proclamation, commanding all proper Officers and Magistrates to make diligent search for, and to apprehend all Popish Priests, and to put the Laws in execution against them, and likewise to enquire after, and apprehend all such Persons as had served in Arms against Her Majesty, or their late Majesties K. *William* and Queen *Mary*, and who were then within this Kingdom; contrary to Law, to the end they might be brought to Justice; to which her Majesty was graciously pleased to return an Answer to the effect following, viz. That she would give Orders pursuant thereunto, and a Proclamation did accordingly issue; And on the said Ninth Day of *April*, the House of Lords having under their Consideration what further Security could be provided for strengthening the Protestant Succession in the House of *Hanover*, came to the following Resolution, viz. That no Person, being a natural born Subject of Great Britain, or within any of the Dominions thereunto belonging, and who having traiterously serv'd against her Majesty, ought to be receiv'd as a Publick Minister, or with any Character within this Kingdom; Notwithstanding which, he the said *Robert Earl of Oxford* and *Earl*

Earl Mortimer, having no regard to the Safety of Her Majesty's Person, or to the Security of the Protestant Succession, and setting himself in utter Defiance, not only of the Advice and Resolution of the House of Lords, but of Her Majesty's Assurances to that House of Parliament, and of her Royal Authority and Command by Her Proclamation under the Great Seal ; instead of doing what in him lay to have apprehended and brought or caused the said *Lilech alias Lawless* to be brought to Justice, did afterwards, on or about the 15th of *March, 1714.* most wickedly and treacherously advise Her Majesty to sign a Warrant, directing the Payment of One thousand Pounds Sterling to *Dan. Arthur, Esq;* for special Services, which being accordingly issued and received by the said *Arthur*, he the said Earl did privately and corruptly direct the said *Arthur* to pay the same, and accordingly the said Thousand Pounds was paid to the use of the said *Lawless* ; And the said *Robert E. of Oxford and E. Mortimer* did at other Times, in a fictitious and scandalous manner, direct the Payment of other considerable Sums of Money out of Her Majesty's Treasure, to the said *Lilech alias Lawless*, which were accordingly paid to him ; altho' it was notorious, that the said *Lilech alias Lawless* had not only traiterously serv'd in Arms against Her Majesty, but had been the Minister and Agent of the Pretender, at the Court of *Madrid*, and was under strong Suspicions of being sent into *England* under the Pretences aforesaid, secretly to promote the Interest of the Pretender in these Kingdoms. By all which Corrupt and Evil Councils, he the said *Robert E. of Oxford and E. Mortimer* did most basely and ungratefully expose the Person of Her Sacked Majesty, did what in him lay to enervate and render ineffectual the Advice of Parliament, and Her Majesty's most solemn Declarations, in a matter of the nearest Concern to Her Majesty and Her Kingdoms, and by countenancing, in the most Corrupt and scandalous Manner, the secret Emissaries of the Pretender, did, by that means, greatly encourage his open Adherents, to the apparent Danger of the Protestant Succession to the Imperial Crown of these Realms.

ARTICLE XXII.

That whereas Her late Majesty Queen *Anne*, after several unsuccessful Attempts, in Conjunction with Her Allies,

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to establish his present Imperial Majesty on the Throne of Spain, being inform'd, that the People of Catalonia were inclined to cast off the Yoke impos'd upon them by the French, and to return to the Obedience of the House of Austria, and Her Majesty being desirous to maintain and improve that good Disposition in them, and to enduce them to put the same speedily in Execution, did send *Mitford Crow, Esq;* to them, with necessary Powers and Instructions to carry on so great a Work, for the Advantage of Her Service, and the good of the Common Cause ; and to that End, to treat with the Catalans, or any other People of Spain, about their coming into the Interest of King *Charles the Third*, his present Imperial Majesty, and joyning with Her Majesty and Her Allies against the Common Enemy ; And Her Majesty, after Her gracious Assurances to assist them with Men and Money, was pleased to authorize Her said Minister to give them Her utmost Assurances to procure the Establishment of all such Rights and Immunities, as they had formerly enjoy'd under the House of Austria ; that for their further Satisfaction, she had sent for Powers from King *Charles the Third*, for confirming the same, and was willing to become Guarantee, that it should be done : Nevertheless on this express Condition, that they should receive the said King *Charles* as lawful King of Spain, and utterly renounce the House of Bourbon. And, together with the said Instructions, Her Majesty was pleas'd to Sign and cause to be deliver'd to Her said Minister, Credential-Letters to the Nobility, Magistrates, and all other Officers Civil and Military of Catalonia, desiring them to depend on the Promises, he should make them in Her Name. And in Her Majesty's Instructions to the Earl of Peterborough, and to Sir *Cloud. Shovel*, in or about the Month of May 1705. they are order'd to use their utmost Endeavours to induce the Catalans to joyn with them in their Undertaking, and to assure them of Her Majesty's Support, and to promise them, in the Queen's Name, that she would secure them a Confirmation of their Rights and Priviledges, from the King of Spain, that they might be settled on a lasting Foundation, to them and their Posterities. And in case Perswasions should not prevail, and the Catalans should not make a suitable Return to those kind Offers, they were order'd to annoy their Towns on the Coasts of Spain, and to reduce them by Force.

And, in Conformity to these Instructions, a *Manifesto* or *Declaration* was prepar'd, by the Privy and Advice of Robert Earl of Oxford and Earl Mortimer, then one of Her Majesty's Principal Secretaries of State, and deliver'd to the said Earl of Peterborough, full, on the one Hand, of the Assurances aforementioned, and on the other hand, of Menaces to them, in case they declined Her Majesty's Overtures, which *Manifesto* was afterwards publish'd by him the said Earl of Peterborough in *Catalonia*; And, whereas the Nobility, Clergy, and the whole Principality of *Catalonia*, and the Inhabitants of the Isle of *Majorca*, relying on the Faith of those Royal assurances, did utterly abandon the House of *Bourbon*, and acknowledged King Charles the Third his present Imperial Majesty, for their lawful Sovereign, and did joyn their Arms with those of Her Majesty and Her Allies against the Duke of *Anjou*; And it having pleased Almighty God, so far to bleſs Her Majesty's pious and generous Undertaking, as by most signal Successes, in a short time, to deliver the Principality of *Catalonia*, from the heavy Yoke of *French* Bondage; and great Supplies having been granted by Parliament, for the reducing the whole Kingdom of *Spain* to the Obedience of the House of *Austria*, the Arms of Her Majesty and Her Allies were attended with vast Successes, having twice enter'd the Capital City of that Kingdom, and obtain'd many other Signal Conquests, to the great Advantage of the Common Cause. And thro' the whole Progress thereof, the Bravery and Firmness of the *Catalans* being always remarkable, thereby, as well as from the repeated Assurances given to them, from time to time, in Her Majesty's Name, by every General and Minister sent from *Great Britain* to *Spain*, the Hearts of that Brave People were united by the strongest Tyes of Affection and Gratitude to Her Majesty, and were justly held in the strictest Dependance on the Continuance of Her Royal Protection: He the laid Robert Earl of Oxford and Earl Mortimer, being an Enemy to the Common Liberty of Europe, and having traiterously enter'd into Conspiracies with the Ministers of *France*, for subjecting the whole Spanish Monarchy to the House of *Bourbon*, and designing, most maliciously, the utter Ruin and Destruction of the antient Rights, Liberties and Privileges of the *Catalans*, who had made so glorious a Stand for the Preservation of them, did, together with

with other false and evil Counsellors, form a most dishonourable, wicked, and cruel Contrivance, not only for abandoning the *Catalans* to the Fury and Revenge of the Duke of *Anjou* and his Adherents, but for the final Extirpation of all their Rights, Liberties, and Priviledges : And in Execution of that his Intention, during the private, separate, and pernicious Negotiation of Peace, which was carry'd on between him and the Ministers of *France*, and before any Negotiation of Peace was set on Foot, in due form of Law, between the Crowns of *Great Britain* and *Spain*, did advise Her Majesty to give Directions to the Lord *Lexington* Her Ambassador to the Court of *Spain*, to acknowledge the Duke of *Anjou* King of *Spain*, but was greatly wanting in his Duty to Her Majesty, in not advising Her to give Instructions to Her said Minister, at the same time, peremptorily and absolutely to insist on the securing the *Catalan* Liberties at the Conclusion of the Peace. And, altho' the private, separate, and treacherous Practices of him the said *Robert Earl of Oxford* and *Earl Mortimer*, and others, in Combination with the Ministers of *France*, did afterwards, on or about the 18th of *March* 1712. necessitate his present Imperial Majesty to conclude a Treaty for the Evacuating *Catalonia*, (whereof Her Majesty was Guarantee,) without any express and positive Stipulation for the *Catalan* Liberties, (his Imperial Majesty relying, in that respect, on Her Majesty's Declaration, to interpose for them in the most effectual manner, and on the Promises of the *French* King to joyn his Endeavours for the same Purpose,) And, altho' Her Sacred Majesty did, both before and after, frequently declare to Her Ministers in *Spain*, that she thought her self under the strongest Tyes of Honour and Conscience, not to abandon a People, whom the necessity of the War had obliged Her to draw into Her Interest. And, tho' the *French* King did not joyn his Endeavours for the Purposes aforesaid : He the said *Robert Earl of Oxford* and *Earl Mortimer*, together with other false and wicked Counsellors, having from time to time amused and deceived the distrest *Catalans*, with groundless Hopes of Her Majesty's effectual Interpositions, in their Favour, and thereby engaging them in a more obstinate Defence of their Territories against the Duke of *Anjou*, was not only highly wanting in his Duty to Her Majesty, by not doing what in him lay, as a faithful Minister, to have prevented the Conclusion

clusion of the Treaty of Peace with Spain, till just and honourable Conditions were secured for the Catalans, but did falsely, maliciously, and treacherously, advise Her Majesty, to Conclude a Peace with the King of Spain, without any Security for the ancient and just Rights, Liberties, and Privileges, of that Brave, but unhappy Nation; And did further advise Her Majesty to send Sir James Wishart, Her Admiral, with a large Squadron of Men of War, at a great Expence, to favour the King of Spain in the Siege of *Barcelona*, the Capital City of Catalonia, and with express Instructions, that, in Case the Inhabitants of Majorca, should refuse the Terms that should be offer'd them by the Duke of *Anjou*, to employ his Squadron in Countenancing and Assisting all Attempts, that should be made for reducing them to a due Obedience. By which most vile and detestable Counsels, Her Sacred Majesty, contrary to Her Pious Intentions, the Faith of Nations, and the Duties of Religion and Humanity it self, and contrary to her most solemn Assurances, was prevail'd on, to abandon a distrest People, drawn in, and engaged, by Her own Invitation, into an open War with the Duke of *Anjou*, for the Preservation of the Liberties of Europe, and the Commerce of Great Britain, And the Persons, Estates, Dignities, Rights, Liberties, and Priviledges of the Catalans, were given up as a Sacrifice, to the implacable Resentment of their enraged and powerful Enemy; and the Honour of the British Nation, always renown'd for the Love of Liberty, and for giving Protection to the distress'd Assertors of it, was most basely prostituted, and a free and generous People, the faithful and useful Allies of this Kingdom, were betray'd, in the most unparralell'd manner, into irrecoverable Slavery: And, in Consequence of which most dishonourable and perfidious Counsels, the most execrable Hostilities. Burnings and Plunderings were committed upon them, throughout the whole Province, without sparing the effusion of Innocent Blood, and without the distinction of Age or Sex; and that unfortunate People were afterwards forc'd to undergo the utmost Miseries of a Siege, in their Capital City of *Barcelona*, during which, great Multitudes of them perished by Famine and the Sword; many of them have since been Executed: And great Numbers of the Nobility of Catalonia, who for their Constancy, and Bravery, in defence of their Liberties, and for their Services in Conjunction with

with Her Majesty and Her Allies, had, in all Honour, Justice and Conscience, the highest Claim to Her Majesty's Protection, are now dispersed in Dungeons, throughout the Spanish Dominions ; and not only the *Catalan Liberties* Extirpated, but, by those wicked Counsels of him the said *Robert Earl of Oxford* and *Earl Mortimer*, *Catalonia* it self, is almost become Desolate.

All which Crimes and Misdemeanors were committed, and done by him the said Earl, against our Sovereign Lady the Queen, her Crown and Dignity, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him, the said Earl.

And he the said Earl of *Oxford* and *Earl Mortimer* was one of the Commissioners of the Treasury, or Lord High Treasurer of *Great Britain*, and one of Her Majesty's Privy Council, during the time that all and every the Crimes before set forth were done and committed.

For which Matters and Things, the Knights, Citizens, and Burgeesses of the House of Commons in Parliament assembled, do, in the Name of themselves, and of all the Commons of *Great Britain*, impeach the said *Robert Earl of Oxford* and *Earl Mortimer* of High Treason, and other High Crimes and Misdemeanors in the said Articles contained. And the said Commons by Protestation saving to themselves the Liberty of exhibiting at any time hereafter, any other Accusations or Impeachments against the said Earl, and also of replying to the Answers, which the said *Robert Earl of Oxford* and *Earl Mortimer* shall make to the Premises, or any of them, or to any Impeachment or Accusation, that shall be by them exhibited, according to the Course and Proceedings of Parliament, do pray, that the said *Robert Earl of Oxford* and *Earl Mortimer* be put to answer all and every the Premises ; and that such Proceedings, Examinations, Tryals and Judgments may be upon them, and every of them had and used, as shall be agreeable to Law and Justice. And they do further pray and demand, That the said *Robert Earl of Oxford* and *Earl Mortimer* may be sequestred from Parliament, and forthwith committed to safe Custody.

On the 4th of *August*, Mr. *Walpole* from the Committee of Secrecy acquainted the House, That the Committee had in Obedience to the Commands of the House, prepared *Articles of Impeachment of High-Treason, and other High*

High Crimes and Misdemeanors against Henry Viscount Bolingbroke ; and that the Committee had commanded him, at the same Time, to acquaint the House, That they shall, in a short Time, have further Articles to lay before the House against the said Viscount ; and that the Committee had directed him to report the Articles, already prepared to the House.

*The Articles
of Impeach-
ment against
the Lord Vt.
Bolingbroke
read and or-
der'd to be in-
gross'd.*

Aug. 4th.

* Aug. 6th.

Then Mr. Walpole read the said Articles in his Place, and afterwards deliver'd them at the Table where they were once read, and afterwards a second Time, Article by Article, and upon the Question severally put thereupon, agreed unto by the House ; and order'd First, That the said Articles be ingrossed ; 2dly, That a Clause be prepared, for saving Liberty to the Commons to exhibit any further Articles against the said Henry Viscount Bolingbroke ; and that he may be sequestred from Parliament and committed to safe Custody.

To Days * after the said Ingrossed Articles, against Henry Viscount Bolingbroke, were read, after which it was order'd, First, That Mr. Walpole do carry the said Articles to the Lords ; 2dly, That Mr. Walpole be directed (before he exhibits the said Articles to the Lords) to Impeach Henry Viscount Bolingbroke to the Effect following viz.

My Lords,

The Commons assembled in Parliament having receiv'd Information of divers traiterous Practices and Designs of a Great Peer of this House, Henry Viscount Bolingbroke, have commanded me to Impeach the said Henry Viscount Bolingbroke of High-Treason, and other High-Crimes and Misdemeanors : And I do here in their Names, and in the Names of all the Commons of Great Britain, impeach the said Henry Viscount Bolingbroke of High-Treason, and other High Crimes and Misdemeanours. I am further commanded by the House of Commons to pray and demand of your Lordships, That the said Henry Viscount Bolingbroke may be sequestred from Parliament, and forthwith committed to safe Custody.

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Accordingly, the same + Day, Mr. Walpole Vol. X. accompanied by a great many Members of the Commons, at the Bar of the House of Lords, + Aug. 6th. Impeached Henry Vis. Bolingbroke, of High Treason, and other High Crimes and Misdemeanours ; Mr. Walpole and deliver'd in the Articles of Impeachment a- impeaches him against him ; and did pray and demand that the said Viscount might be sequestred from Parlia- Articles of ment ; and forthwith committed to safe Cu- Impeachment stody. The said Articles are as follows: at large.

ARTICLES of Impeachment of High Treason and other High Crimes and Misdemeanours, against Henry, Viscount Bolingbroke.

WHEREAS a Treaty of Alliance was made and concluded on or about the 7th Day of September 1701, between Leopold, then Emperor of Germany, His Late Majesty King William the Third, of Ever glorious Memory, and Their High Mightinesses the States General of the United Provinces, for repelling the Greatness of the common Danger which threaten'd all Europe, from the Duke of Anjou's having taken Possession of the Monarchy of Spain ; wherein it was, among other things, agreed, That in case the said Confederates shall be forced to enter into a War, they shall communicate their Designs to one another, as well in relation to the Actions of the War, as all other things wherein the Common Cause is concerned ; and that it shall not be permitted to either Party, when the War is once begun, to treat of Peace with the Enemy, unless jointly and by a Communication of Councils : And in, and by a Defensive Treaty and Alliance, made and concluded in or about the Month of November 1701, between His said Late Majesty King William the Third and the States General, it was, among other things, expressly agreed, That when the War is begun, the said Confederates shall act in concert, according to the 7th and 8th Articles of the Treaty of the 3d of March 1677-8, between England and Holland, and that no Peace nor Truce, or Suspension of Arms, shall be negotiated or made, but according to the 9th and 10th Articles of that Treaty by which it was agreed, That when the Allies came once to open War, it shall be lawful for neither of them afterwards to come to any Cessation of Arms with him who shall be declared and proclaimed an Enemy ; without it be done conjointly and with committ

common Consent, and that no Negotiation of Peace shall be set on foot by one of the Allies, without the Concurrence of the other, and that each Ally shall continually and from Time to Time impart to the other every thing that passes in the said Negotiation. And in and by a Treaty enter'd into and concluded, on or about the Month of June 1703, between Her late Majesty Queen Anne of Ever-blessed Memory, and the States General, it was, among other things, agreed, That all Treaties and Alliances then subsisting between them should be returned and confirmed : And whereas a long, bloody, and expensive War, had been carry'd on by Her late Majesty, in Conjunction with her said Allies, and other Confederate Princes, against France and Spain, as well in Resentment of the Indignity offered to these Kingdoms, by their having acknowledged the Pretender King of these Realms, as for obtaining a just Satisfaction to His Imperial Majesty, and for the Preservation of the Protestant Religion and the Ballance and Liberties of Europe ; and from the great Successes with which it had pleased Almighty GOD to bless the Confederate Arms, they had just reason to hope for an Honourable, Safe, and Lasting Peace ; and altho' the French King was encouraged, in or about the Month of April 1711, to make Propositions of Peace to Her late Majesty, signed by Monsieur de Torcy, his Secretary of State, which Her said Majesty having pleased to communicate to the Ministers of the States General, she did, however, graciously declare, by Henry, Visc. Bolingbroke, then Henry St. John Esq; and One of her Principal Secretaries of State, her Sentiments to them, That the said Propositions were too general ; and, at the same Time, the said Viscount did, in Her Majesty's Name, and by her special Command, give them her utmost and most solemn Assurances, That in making Peace, as in making War, she would act in perfect Concert with them : In which Sentiments the States concurring with Her Majesty, reciprocal Assurances of Mutual Confidence, so necessary to prevent the Designs of the Enemy, were returned by them to Her Majesty : Notwithstanding which,

ARTICLE I.

He the said Henry, Viscount Bolingbroke, then being One of Her Majesty's Principal Secretaries of State, and of her most Honourable Privy Council, but having enter'd into a most treacherous Confederacy with the Ministers and Emissaries

ries of *France*, to frustrate the just Hopes and Expectations of Her Majesty and her People, by disuniting the Confederacy, at the most critical Juncture, when they were ready to reap the Fruits of so many Triumphs over the common Enemy, and most wickedly intending, as far as in him lay, to enable the *French King*, so exhausted and vanquished as he had been, on all Occasions, to carry his Designs by a Peace glorious to him, and to the Ruin of the victorious Allies, and the Destruction of the Liberties of all *Europe*; and having no regard to the solemn Treaties Her Majesty then stood engaged in, nor to the Honour or Safety of these Kingdoms, did, in or about the Months of *July* or *August*, in the Year of our Lord 1711, maliciously and wickedly form a most treacherous and pernicious Contrivance and Confederacy with other evil-disposed Persons, then also of Her Majesty's Privy Council, to set on foot a Private, Separate, Dishonourable, and Destructive Negotiation of Peace, between *Great Britain* and *France*, without any Communication thereof to Her Majesty's Allies, according to their said several Treaties; and was not only wanting in his Duty and Trust to Her Majesty, by not opposing, and, as far as was in his Power, by not advising Her Majesty against going into any Private, Separate Negotiation with *France*, but in Execution of His Purposes aforesaid, he the said *Henry Viscount Bolingbroke*, did advise Her late Majesty to send *Matthew Prior*, Esq; directly to the Court of *France*, to make Propositions of Peace, without communicating the same to Her Majesty's Allies; and accordingly the said *Matthew Prior*, by the Advice and with the Privity of him the said *Henry Viscount Bolingbroke*, and other false and evil Counsellors, in or about the Months of *July* or *Augnst*, in the Year of our Lord 1711, was sent in a clandestine manner from *England* to *France*, and did communicate the said Propositions of Peace to the Ministers of *France*, in which the particular Interests of *Great Britain*, as well as the common Interest of *Europe*, were shamefully betrayed; and in Manifestation of his said Design to exclude Her Majesty's Allies from their just Share in the said Negotiation, an express Article was inserted in the said Propositions, by the Privity and Advice of him the said *Henry Viscount Bolingbroke*, That the Secret should be inviolably kept till allowed to be divulged by the mutual Consent of both Parties; altho' the

French King had, in the propositions signed by Monsieur de Torcy, and transmitted in the Month of April preceding, offered to treat with the Plenipotentiaries of England and Holland alone, or jointly with those of the Allies at the choice of England : By which Treacherous and dangerous Advice, He, the said Henry Viscount Bolingbroke, did not only contrive and set on Foot a Negotiation of Peace more advantageous to France than even France it self had asked, but thereby did put it into the Power of the Common Enemy to Create Incurable Jealousies and Discords between her Majesty and her Faithful Allies, and to destroy that Confidence, which had so long and so successfully been cultivated between them, and which was so necessary for their Common Safety.

ARTICLE II.

That the French King having in or about the Months of August or September 1711, with the Privity and by the Contrivance of the said Viscount Bolingbroke, and others, sent over Monsieur Mesnager into England to carry on a Separate and Clandestine Negotiation of Peace, He the said Henry Viscount Bolingbroke, did afterwards in the said Month of September 1711, or thereabouts, secretly and unlawfully, and without any Colour of Authority ; meet, conferr, and Treat with the said Sieur Mesnager, on the Negotiations of Peace between Great Britain and France, and therein did advise and promote the making a Private and Separate Treaty, or Convention, on the said Subject of Peace between the said Crowns, without any Communication thereof to her Majesties Allies ; And the said Henry Viscount Bolingbroke did afterwards, in Violation of his Oath and High Trust, falsely and treacherously advise her late Majesty to sign Powers to several Persons for concluding on her behalf a Pernicious and Destructive Treaty or Convention on the said Subject of Peace with France ; And on or about the said 27th of September 1711 a Dishonourable Destructive and Fatal Treaty, or Convention, was concluded and signed by the said Sieur Mesnager, on the part of France, and by the Earl of Dartmouth and the said Viscount, being then two of her Majesty's Principal Secretaries of State, and of her Privy Council, on the part of her Majesty, by virtue only of a Warrant, under her Majesties Sign Manual, under the Sig- net

net, directed to themselves, but not countersigned, and without the least Knowledge, or Participation of the Allies; in which Treaty the Immediate Interests of Great Britain are given up to France, and the Duke of Anjou being therein admitted to remain King of Spain, the Balance of Power, and the Liberties of Europe were thrown into the Hands of the House of Bourbon.

ARTICLE III.

That whereas her late Majesty Queen Anne, did, on or about the first of October, 1711, O. S. give Instructions to Thomas Earl of Strafford, her Ambassador to the States General of the United Provinces, to communicate to them certain Propositions of Peace which had been contrived and concerted between the said Sieur Mesnager and the said Viscount, and others, Intituled *Preliminary Articles on the part of France to come to a General Peace*, together with her Majesties Sentiments and Resolutions concerning the Prosecution and carrying on the War against France and Spain, in case the States were desirous to carry on the said War: And whereas for several Years before and till the said Month of October 1711, there was open War between her late Majesty and the French King, and the said War continuing for all the said time and afterwards the French King, and his Subjects were Enemies to her late Majesty, He, the said Henry Viscount Bolingbroke, being then one of her Majesties Principal Secretaries of State, and one of her Majesties Privy Council, and a Subject of her said Majesty, not considering the Duty of his Allegiance, but having altogether withdrawn the Cordial Love, and true and due Obedience which every true and faithful Subject owed to her said Majesty, and designing to Give Aid, and Succour and to adhere to the said French King, against her said Majesty, did, on or about the 2d of October: 1711, during the said War, Falsely, Wickedly, Maliciously, and Traiterously Aid, Help, Assist, and Adhere to the said French King, and his Subjects Enemies to her said late Majesty, against her said late Majesty, and in Execution and Performance of his said Aiding, Assisting, and Adhering, He did on or about the 2d of October, 1711, Falsely, Maliciously, and Traiterously, disclose and Communicate her Majesties said Instructions to her said Ambassador, or was Privy to, and did advise, consent,

or approve that the same should be, and accordingly the same were communicated, and disclosed to the said Sieur *Mesnager*, a Subject of the said French King, and an Enemy to Her late Majesty; and in further Execution and Performance of his said aiding, assisting, and adhering, he, the said *Henry, Viscount Bolingbroke*, did, in and by a Letter or Writing, by him wrote to Monsieur *de Torcy*, on or about the 2d of Oct. 1711, disclose, communicate, and notify, or did intend to notify, to Monsieur *de Torcy*, a Subject, Minister, and Secretary to the French King, and an Enemy to Her late Majesty, that the said Sieur *Mesnager* was fully informed of Her Majesty's said Instructions to the Earl of *Strafford*, thereby falsely, maliciously, and traiterously informing and advising the said Monsieur *de Torcy*, from what Person and by what means he might come to the Knowledge of Her Majesty's said Instructions, contrary to the Duty of his Allegiance and the Laws and Statutes of this Realm.

ARTICLE IV.

That whereas Her late Majesty Queen *Anne* did, in or about the Month of December 1711, in due Form of Law, under the Great Seal, constitute the Right Reverend *John, Lord Bishop of Bristol*, and *Thomas, Earl of Strafford*, her Plenipotentiaries, with full Powers and Instructions to meet, treat, and conclude with the Plenipotentiaries of her Allies, and those whom the French King should, on his Part, depute for that Purpose, the Conditions of a *Good and General Peace*: And whereas His Imperial Majesty, Their High Mightinesses the States General of the United Provinces, and other Her Majesty's Allies, and the French King, having duly constituted and appointed their several and respective Plenipotentiaries for the Purposes aforesaid, the Negotiations and Conferences for a General Peace were opened before them at *Utrecht*, about the Months of January or February 1711, and the same continued till the 4th of March 1711, and afterwards: And whereas on the said 4th of March 1711, there was open War between Her late Majesty and the French King, and the same having continued for several Years before, and at the same Time, and afterwards, the said French King and his Subjects were, during all the said Time, Enemies to Her said Majesty and her Subjects, he, the said *Henry Viscount Bolingbroke*, then being One of Her Majesty's

Her's Principal Secretaries of State, and of her Privy Council, and a Subject of Her said Majesty, not considering the Duty of his Allegiance, but haying withdrawn his Duty and Obedience from Her said Majesty, and conspiring and confederating with the Enemies of Her said Majesty and the Subjects of the said French King, to give him Aid and Succour against Her said Majesty, did, on or about the said 4th Day of March 1711, falsely, wickedly, and traiterously aid, comfort, assist, and adbere to the said French King, against Her said Majesty, and in Execution and Performance of his said aiding, assisting, and adhering, he, the said Viscount, did, on or about the said 4th of March 1711, falsely, maliciously, and traiterously communicate and disclose Her said Majesty's Final Instructions to her said Plenipotentiaries, relating to the said Negotiations of Peace, or was privy to, and did advise and consent, and approve that the same should be, and accordingly the same were communicated and disclosed to Abbot Gaultier, an Agent and Emissary of the said French King, and an Enemy of Her said Majesty; and in further Execution and Performance of his said aiding, assisting, and adhering, he, the said Henry, Viscount Bolingbroke, did by a Letter or Writing wrote by himself, on or about the said 4th of March, falsely, maliciously, and traiterously disclose, communicate, and notify, or did intend thereby to communicate and notify, to Monsieur de Torcy, a Minister, Secretary of State, and Subject of the said French King, and an Enemy of Her said Majesty, that the said Gaultier was informed of Her Majesty's said Instructions to her said Plenipotentiaries, thereby falsely and traiterously informing and advising the said Monsieur de Torcy, by what means, and from what Persons, he might have the Knowledge of Her Majesty's said Instructions, contrary to the Duty of his Allegiance and the Laws and Statutes of this Realm.

A R T I C L E V.

That whereas the States General of the United Provinces were, in or about the Months of September or October, in the Year of our Lord 1712, in Possession of the strong and important Town and Fortress of Tournay; and whereas the French King had, during the Course of the said private, separate, and traiterous Negotiation, between him the said, Henry Viscount Bolingbroke, and others, and the Ministers of

France,

France, signified his Consent to the Ministers of Great Britain, that the said Town and Fortress of Tournay should remain to the said States General, as part of their Barrier ; And whereas her Majesty, in her Instructions of December, the 23d 1711 to her Plenipotentiaries at Utrecht, had expressly directed them to insist with the Plenipotentiaries of France, in the General Congress that, towards forming a sufficient Barrier to the States General, Tournay should remain to their High Mightinesses, and did afterwards declare her self conformably thereunto in her Speech to both Houses of Parliament, on the 6th of June, 1712, in which she Communicated to them the Terms, whereon a Peace might be made ; And whereas for several Years before and till the said Months of September and October, in the Year of our Lord, 1712, there was open War between her late Majesty and the French King, and the said War continuing for all the said Time, and afterwards the said French King and his Subjects, were Enemies to her Majesty, He, the said Henry Viscount Bolingbroke, then being one of her Majesties Principal Secretaries of State, and of her Privy Counsel, and a Subject of her said Majesty, not considering the Duty of his Allegiance, but having altogether withdrawn the Cordial Love, and true and due Obedience, which every true and faithful Subject owed to her said Majesty, and designing to give Aid and Succour, and to adhere to the said French King, against her said Majesty, did in or about the Months of September or October 1712, during the said War, Falsely, Maliciously, Wickedly and Traiterously, Aid, Help and Assist, and adhere to the French King, then an Enemy to her late Majesty, against her said Majesty, and in Execution and Performance, of the said Aiding, Assisting, and Adhering, Maliciously, Falsely and Traiterously, did counsel and advise the said Enemy, in what manner, and by what methods the said Important Town, and Fortress of Tournay, then in Possession of the States General, might be gained from them to the French King, contrary to the Duty of his Allegiance, and the Laws and Statutes of this Realm.

ARTICLE VI.

That whereas her late Majesty Queen Anne, not only in pursuance of the Treaties she stood engaged in to her good Allies, and in particular to his Imperial Majesty, for the Recovery of the Monarchy of Spain to the House of Austria,

stria, thereby to preserve a due Ballance of Power in Europe, but also from her just Resentment against the Duke of *Anjou*, who then stiled himself King of *Spain*, and who, in Defiance of her Majesties Title to the Crown, had acknowledg'd the *Pretender*, as King of *Great Britain*, and on these Just Foundations her Majesty had, in Vindication of the Honour of the Crown, and in Justice to her People, at a vast Expence of Blood and Treasure, and on the Earnest and repeated Advices of her Parliament, prosecuted a vigorous War against the said Duke of *Anjou*; And whereas in the Years of our Lord 1710, 1711, and 1712, the said Open, Bloody, and Expensive War, was carried on between her said late Majesty Queen *Anne*, and the said Duke of *Anjou*, and during all the time aforesaid, the said War did continue, and for all that time the said Duke of *Anjou*, and the Subjects of *Spain*, adhering to him, were Enemies of her late Majesty, He, the said *Henry Viscount Bolingbroke*, then being one of her Majesties Principal Secretaries of State, and of her Privy Council, and a Subject of her said Majesty, not considering the Duty of his Allegiance, but having withdrawn his due Obedience from her said late Majesty, did at several times, in the said Years of our Lord 1710, 1711, and 1712, Falsely, Maliciously, Wickedly, and Traiterously Aid, Help, Assist, and Adhere to the said Duke of *Anjou*, then an Enemy to her said late Majesty, and against her said Majesty, and in Execution and Performance of his said Aiding, Helping, and Assisting, and Adhering, and in Confederacy and Combination with the then Enemies of her late Majesty, and with divers other wicked and evil disposed Persons, did at several times, in the Years aforesaid, Advise and Counsel the Enemies of her late Majesty, against her said Majesty, and in such Counselling and advising did concert with them and did promote the yielding, and giving up *Spain* and the *West-Indies*, or some part thereof, to the said D. of *Anjou*, then in Enmity with her Maj. against the Duty of his Allegiance, and the Laws and Statutes of this Realm.

All which Crimes and Misdemeanors, were committed and done by him the said *Henry Viscount Bolingbroke* against our late Sovereign Lady the Queen, her Crown and Dignity, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him the said Viscount, and he, the said *Henry Viscount Bolingbroke*, was one of her Majes-

ties Principal Secretaries of State, and one of her Privy Council, during the time that all and every the Crimes before set forth, were done and Committed.

For which Matters and Things, the Knights, Citizens and Burgeesses of the House of Commons in Parliament Assembled, do in the name of themselves and of all the Commons of Great Britain, Impeach the said Henry Viscount Bolingbroke of High Treason, and other High Crimes and Misdemeanors in the said Articles contained; and the said Commons, by protestation saving to themselves the Liberty of Exhibiting at any time hereafter, any other Accusations or Impeachments against the said Henry Viscount Bolingbroke, and also of replying to the Answers, which the said Henry Viscount Bolingbroke shall make to the Premisses, or any of them, or to any Impeachment or Accusation, that shall be by them exhibited, according to the Course and Proceedings of Parliament, do pray that the said Henry Viscount Bolingbroke, be put to answer all and every the Premisses; and that such Proceedings, Examinations, Tryals, and Judgments may be upon them, and every of them, had and used, as shall be agreeable to Law and Justice: And they do further Pray and Demand, that the said Henry Viscount Bolingbroke, may be Sequestred from Parliament, and forthwith Committed to safe Custody.

The same † Day, the Lords sent a Message to
acquaint the Commons, ‘ That their Lordships
† Aug. 6th. ‘ had order’d Henry Viscount Bolingbroke to be
‘ forthwith attach’d, by the Gentleman Usher of
‘ the Black-Rod attending the House of Lords,
‘ and brought to their Lordship’s Bar, to an-
‘ swer the Articles exhibited against him by the
‘ House of Commons : ’ But the Lord Boling-
broke had long before consulted for his Safety by
retiring into France. As to the Duke of Ormond, tho’ his Grace to keep up the Spirits of his Party, had made a shew to stand the Prosecution with which he was threaten’d; and had, either through his own Obstinacy, or rather, through the Sinister Suggestions of a fiery Prelate, rejected the wise Counsel of his true Friends, which was, to make his Submission to the King: Yet, as soon as his Grace saw the
Hands

Hands of the Government like to be strengthen'd
not only with new Levies, but also with an Act
for suspending the *Habeas-Corpus-Act*, his Cou-
rage began to fail him; and so, the Night be-
tween the 20th and 21st of July, he went from *The Duke of*
his House at Richmond, accompany'd only by one *Ormond flies*
Renauld, a French Papist, his Confectioner; and ^{to} France.
embarking privately on board a *Vessel*, on the
Coast of *Kent*, a few Days after landed in
France: Which cast a general Damp on the Spi-
rits of His Grace's Party, and lost him abundance
of Well-wishers among the *Whigs*.

On the 5th of *August*, Mr. *Walpole*, from
the Committee of Secrecy, acquainted the
House, That the Committee had, in Obedience
to the Commands of the House, prepared Arti-
cles of Impeachment of *High Treason*, and other
High Crimes and Misdemeanors, against *James*
Duke of Ormond, which they had directed him to
report to the House. Then Mr. *Walpole* read
the said Articles in his Place, and afterwards de-
liver'd them in at the Table, where they were ^{Articles of} *Impeachment* ^{against the D:}
once read; and afterwards a second Time, Ar-
ticle by Article. A Motion being made, and the ^{read; Aug.}
Question put, That the House agree to the First ^{5th.}
Article, there arose a warm Debate, in which se-
veral remarkable Speeches were made. Among ^{Debate there-}
the rest, a Member of a Considerable Estate,
and who had, all along, voted with the *Tories*,
said, 'That the Report of the Committee of
' Secrecy had begun to open his Eyes; and that
' the D. of *Ormonde's* Flight had tully convinc'd
' him, that the Heads of the *Tory Party* were a Set
' of *Knaves and Villains*, who design'd to have
' ruin'd their Country, and made it a Province
' of *France*.' The Lord *Stanhope*, Eldest Son to
the Earl of *Chesterfield*, and a Member of the
House, who spoke for the first Time on this Oc-
casion, said, 'He never wish'd to spill the Blood
' of any of his Country-men, much less the
' Blood of any Nobleman; but that he was per-

The Articles
order'd to be
ingrossed.

suaded, that the Safety of his Country required
that Examples should be made of those who had
betray'd it in so infamous a manner.' The Lord
Finch, Eldest Son to the Earl of Nottingham,
spoke also on the same Side; and after some other
Speeches, the First Article was agreed to by a
Majority of 177 Voices against 78; and then the
other Articles, upon the Question severally put
thereupon, were also agreed unto by the House:
After which it was order'd, 1st, That the said Ar-
ticles be ingrossed; 2^{dly}, That a Clause be prepa-
red for saving Liberty to the Commons to exhibit
any further Articles against the said James,
D. of Ormonde; and that he may be sequester'd
from Parliament, and committed to safe Custody.

On Monday the 8th of August, the Ingrossed
Articles against His Grace were read, upon
which it was order'd, 1st, That Mr. Secretary
Stanhope do carry the said Articles to the Lds. 2.
That Mr. Secretary Stanhope be directed, before
he exhibits the said Articles to the Lords, to im-

* Aug. 8th.
The Duke of
Ormond im-
peach'd.

Articles a-
gainst him. Articles against His Grace are as follows:

*Articles of Impeachment of High Treason, and other High-
Crimes and Misdemeanors, against James, Duke of
Ormonde.*

I. THAT whereas James, Duke of Ormonde, in or about
the Month of April 1712, being appointed General
of the Forces in the Netherlands of Her late Majesty Queen
Anne, with Orders to prosecute the War against France with
all possible Vigour, in Conjunction with Her said Majesty's
Allies; and having, by Her said Majesty's Directions, and in
her Name, given her said Allies the most solemn Assurances to
that Purpose, was thereupon admitted into the Counsels, and
made privy to the most secret Designs of the Generals of the
Confederate Army against the common Enemy, and of the
Measures they thought most proper to carry on the War
with

with Success ; and whereas, in the said Year 1712, the said War was carry'd on between Her said late Maj. and the said French King, and during all the said Year the War did continue, and for all that Time the said French King and his Subjects were Enemies of Her late Majesty, he the said James, Duke of Ormonde, then General of Her Majesty's Army, and a Subject of Her Majesty, not considering the Duty of his Allegiance, but having withdrawn his true and due Obedience from her said late Majesty, and Affections from his Country, did, during the said War, falsely, maliciously, wickedly, and traiterously aid, help, assist, and adhere to the said French King, against Her said late Majesty ; and in execution of his said aiding, helping, and adhering, maliciously, falsely, and traiterously, contrary to the Duty of his Allegiance, and the Laws and Statutes of this Realm, did, on or about the 26th of May 1712, send private Intelligence and Information to Mareschal Villars, then an Enemy to Her said late Majesty, and General of the French King's Army, against Her Majesty and her Allies, of a March the Army of Her said late Majesty and her Allies was then going to make, and of the Designs of the said Army in making the March.

II. That whereas in or about the Month of May 1712, a traiterous Design was carry'd on between Henry St. John, Esq; One of Her said late Majesty's Principal Secretaries of State, and other evil-disposed Persons, and the Ministers of France, to defeat the just Expectations of the great Advantages over the common Enemy, Her Majesty and the Nation had the reason to hope for, from the great Superiority of the Confederate Forces in the Netherlands, to obtain which very large Sums of Money had been cheerfully given by the Parliament ; and to that End, the said Henry St. John had given secret Assurances to the French Ministers, that Her Majesty's General in the Netherlands (tho' under the most solemn Engagements to act vigorously in concert with the Allies) should not act against France ; and had also engaged the said James, Duke of Ormonde, to concur in the said wicked Purpose, which evil Practices of the said Henry St. John and others, when they were first suspected, giving the greatest Alarm to the Minds of the Allies, to the Parliament, and to the whole Kingdom, and being thereupon openly disavowed by all the Conspirators in the most publick manner ; he the said James,

Duke of *Ormonde*, in order to disguise, and conceal from Her said late Majesty, and the whole Kingdom, the said traitorous Designs then carry'd on by the said *Henry St. John*, and other false Traitors to Her Majesty and their Country, in Aid and Comfort of the *French* King, then in open War with, and an Enemy of Her said late Majesty, did, by his Letter of the 25th of *May 1712*, to the said *Henry St. John*, then Her Majesty's Principal Secretary of State, call'd his *Publick Letter*, because prepared and intended to be read before Her said Majesty and her Council, wickedly, falsely, and treacherously abuse and impose upon Her said Majesty and her Council, by affirming and declaring therein, that if he found an Opportunity to bring the Enemy to a Battel, he should not decline it, altho' by a private Letter writ by the said *James*, Duke of *Ormonde*, of the same Date, and to the said *Henry St. John*, designed to be read to the said *Henry St. John* and the Conspirators only, he the said *James*, Duke of *Ormonde*, did, on the contrary, wickedly promise and engage, that he would not attack or molest the *French Army*, or engage in any Siege agaist *France*.

III. That he the said *James*, Duke of *Ormonde*, in or about the Month of *June 1712*, being at that Time General of Her Majesty's Forces against *France*, and a Subject of Her Majesty, not considering the Duty of his Allegiance, but having altogether withdrawn the cordial Love and due Obedience which every faithful Subject owed to Her said Majesty, and devoting himself to the Service of *France*, and designing to give Aid and Comfort to the *French* King and his Subjects, then in open War with, and Enemies to Her said late Majesty, in Violation of the many Treaties of Alliance between *Great Britain* and several other Princes and States, for carrying on the War against *France*, and of the said Instructions to him on or about the 7th of *April 1712*, under the Sign Manual, in Pursuance thereof, and of the solemn Declaration he had but lately before, by Her said Majesty's Command, and in her Name, made to the Pensionary of *Holland*, and the Generals of the Confederate Army, to push on the War with all possible Vigour : And also in open and manifest Violation of the last Order, sent him by a Letter from the said *Henry St. John*, on or about the 7th of *June 1712*; whereby the said *James*, Duke of *Ormonde* was directed to

make

make no Cessation of Arms with the *French*, unless the Articles demanded by Her Majesty, and expressly mention'd and set down in the said Letter for the said Cessation, should be comply'd with by *France*; and whereby he the said *James*, Duke of *Ormonde*, was likewise further expressly directed and told, that in case the Conditions therein mentioned were not comply'd with by *France*, that then he was entirely free from Restraint, and at liberty to take all reasonable Measures in his Power, for annoying the Enemy, and at full liberty of acting against *France*, did, on or about the 25th of *June* aforesaid, falsely, maliciously, wickedly, and traiterously aid, help, assist, and adhere to the *French* King, against Her said late Majesty, and then in open War with Her Majesty: And in Execution of the said aiding and assisting, helping and adhering to, and in pursuance of a wicked Promise he had secretly made the same Day to Mareschal *Villars*, General of the *French* Army, to that purpose, maliciously, falsely, and traiterously, contrary to the Duty of his Allegiance, and the Laws and Statutes of this Realm, did advise and endeavour to persuade the Generals of the Confederate Army against *France*, and the Deputies of the States-General, to raise the Siege of *Quesnoy*, a *French* Town then besieg'd by them; and did then further traiterously and wickedly refuse to act any longer against *France*; and then also traiterously and wickedly told the said Generals of the said Confederate Army, and the said States Deputies, that he could no longer cover the Siege of *Quesnoy*, but was obliged by his Instructions to march off with the Queen's Troops, and those in Her Majesty's Pay: Whereas in Truth, and the Commons expressly charge, that he the said *James*, Duke of *Ormonde*, did traiterously and wickedly make the said Declaration, and refused to act against *France*, in manifest Contradiction, not only to his Original Orders, but also of the said Letter to him of the 7th of *June*, from the said *Henry St. John*, since none of the Articles demanded by Her Majesty for a Cessation of Arms, and express'd in the said Letter to be the Condition without which no Cessation of Arms was to be made, had been comply'd with by the *French*. And in further Execution of his said traiterous Designs, he the said *James*, Duke of *Ormonde*, by a Letter to the said Mareschal *Villars*, on the 24th of *June* aforesaid, did traiterously, and wickedly send Intelligence

gence to the said Mareschal *Villars* of the beforementioned Passages, between the said *James*, Duke of *Ormond*. and the Generals of the Confederate Army, and the States Deputies, and how his Propositions were received by them ; and also of the Disposition he observ'd in the Foreign Troops to adhere to the said Confederates in case of a Separation by the Troops of *Great Britain*.

IV. That he the said *James Duke of Ormonde*, did not only wickedly, and falsely affirm to the Generals of the Confederate Army, and the States Deputies, that his Refusal to act any longer against *France*, and to cover the Siege of *Quesnoy* was in pursuance of the Instructions he had received for that purpose ; but also to induce the said Generals of the Confederate Army, and the States Deputies to comply with his Proposal to them to abandon the said Siege ; he the said *James Duke of Ormonde*, did wickedly represent their Complyance therein as the most effectual way to induce her said Majesty to take care of the said Confederates Interests at the Peace, whereby he the said *James Duke of Ormonde* did, in effect threaten her said Majesty's good Friends and Allies, that unless they would dishonourably abandon an Enterprize undertaken by common Consent, and thereby save a strong Fortres and Numerous Garrison of the Enemy, they were not to expect that her Majesty would take Care of their Interests at the General Peace.

V. That he the said *James Duke of Ormonde*, having received a Letter dated on or about the 14th of July 1712 from the said Mareschal *Villars*, the *French General*, desiring to be inform'd what Troops remained with the Confederate Army, or what Troops and Generals marcht off from him, the said Duke, and declaring at the same Time, that the Reason of the Enquiry was in Order to fall upon, and attack the said Confederate Army ; He the said *James Duke of Ormonde*, on or about the 16th of July, 1712, did Traiterously and Wickedly, contrary to the duty of a Good and Faithful Subject, and contrary to his Allegiance, and the Laws and Statutes of this Realm, aid, help, assist and adhere to the said *French King* and his Subjects, against her said late Majesty, and then in open War with, and Enemies to her said late Majesty : And in Execution of his
said

said aiding, helping, assisting, and adhering, He the said James Duke of *Ormonde*, on or about the said 16th Day of July 1712, did traiterously send secret Intelligence to the said Mareschal *Villars* the General of the French Army, of the Number of the Troops that had left the said Confederate Army, and also of the March the said Confederate Army had that Morning made.

VI. And whereas he the said James Duke of *Ormonde* had received Advice that the States General, on or about the Month of October, 1712; had formed a Design to surprize and take the Towns of *Newport* and *Furnes* or one of them then in Possession of the French King: That he the said James Duke of *Ormond*, intending to strengthen the Hands of the Common Enemy by declaring the said Enterprize; did on or about the 21st Day of October 1712 in a Letter to the said Henry St. John, then Viscount *Bolingbroke*, wickedly and basely suggest to advise her late Majesty to send secret Intelligence of it to betray the said Counsels and Desigus of her good and faithful Allies the States General to the French General, then in War with, and an Enemy to her Majesty; and did further wickedly and basely suggest the means of putting the said Treachery in Execution, by giving private Intelligence of the Design to the said Mareschal *Villars*.

All which Crimes and Misdemeanours were committed, and done by him the said James Duke of *Ormonde*, against our late Sovereign Lady the Queen, her Crown and Dignity, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him, the said Duke.

And he the said James Duke of *Ormonde* was General of her Majesty's Forces in the *Netherlands*, and one of Her Privy Council, during the time that all and every the Crimes before set forth were done and committed.

For which Matters and Things, the Knights, Citizens, and Burgesseſ of the House of Commons in Parliament assembled, do, in the Name of themselves, and of all the Commons of Great Britain, impeach the said James Duke of *Ormonde* of High Treason, and other High Crimes and Misdemeanours in the said Articles contained. And the Commons by Protection ſaving to themselves the Liberty to exhibit at any time hereafter, any other Accusations or Impeachments against the said James D. of *Ormonde*, and also of replying to the Answers, which

which the said Duke shall make to the Premises, or any of them, or to any Impeachment or Accusation, that shall be by them exhibited, according to the Course and Proceedings of Parliament, do pray, that the said James Duke of Ormonde be put to answer all and every of the Premises; and that such Proceedings, Examinations, Tryals and Judgments may be upon them, and every of them had and used, as shall be agreeable to Law and Justice. And they do further pray and demand, That the said James Duke of Ormonde may be sequestred from Parliament, and forthwith committed to safe Custody.

* Aug. 8th. - The same * Day, the Lords sent a Message to acquaint the House of Commons, ' That Their Lordships had order'd James Duke of Ormonde to be forthwith attach'd by the Gentleman-Usher of the Black Rod attending the House of Lords, and brought to Their Lordships Bar to answer the Articles exhibited against him by the House of Commons.

On the 9th of August, the Lords sent another Message to the Commons, to acquaint them, ' That the Gentleman-Usher of the Black Rod had that Day return'd to Their Lordships, that in Obedience to Their Lordships Order of the Sixth of August instant, to attach Henry Viscount Bolingbroke, he had made diligent Search and Inquiry after the said Viscount, as well at the last and usual Places of Abode of the said Lord Viscount Bolingbroke, as elsewhere; but the said Lord Viscount Bolingbroke was not to be found, so as that he might be attach'd, as was commanded by the said Order.' Upon this

Bill to summon and attaint Henry V. render himself to Justice by a Day therein to be limited, or, in Default thereof, to attaint him of High Treason; and that Mr. Walpole, Mr. Copper, Mr. Comptroller, Sir Joseph Jekyll, and Mr. Sollicitor General, do prepare and bring in the

the same. The next Day, the Commons having receiv'd the like Message from the Lords, in relation to the Duke of Ormonde, a Bill to summon + Aug. 10th.
 and attaint His Grace, in like manner, was also Bill to sum-
 order'd to be brought in, by Mr. Secretary mon and at-
 Stanhope, Mr. Comptroller, Sir Joseph Jekyll, and t i n t James D
 Mr. Sollicitor General. By the 18th of August of Ormonde.
 those two Bills had pass'd through both Houses,
 and on the 20th receiv'd the Royal Assent. The
Act against the Lord Bolingbroke is as follows :

An Act for the Attainder of Henry Viscount Bolingbroke of High Treason, unless he shall render himself to Justice by a Day certain therein mentioned.

WHereas Henry Viscount Bolingbroke has been impeach'd by the Commons in Parliament assembled, in the Name of themselves and all the Commons of Great Britain, of High Treason, and other High Crimes and Misdemeanors ; to which said Impeachment now remaining upon Record in the House of Peers, the said Henry Viscount Bolingbroke has not answer'd, but has withdrawn himself from Justice, without abiding his legal Trial : Be it enacted by the King's Most Excellent Majesty, by and with the Consent and Advice of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, That if the said Henry Viscount Bolingbroke shall not render himself to the Usher of the Black Rod attending the House of Peers, or the Constable or Lieutenant of the Tower of London, for the Time being (who are hereby required to receive and keep him in safe Custody) in order to his Trial in Parliament, at or before the Tenth Day of September next ensuing, and also abide his legal Trial for the Treasons, High Crimes, and Misdemeanors, whereof he stands impeach'd by the Commons of Great Britain, then the said Henry Visc. Bolingbroke,

Vol. X. ' not rendering himself, or not abiding his legal
 ~~~~~ Trial, as aforesaid, shall, from and after the  
 ' said Tenth Day of September, stand and be ad-  
 ' judg'd attainted of High Treason, to all Intent  
 ' and Purposes whatsoever, and shall suffer and  
 ' forfeit as a Person attainted of High Tre-  
 ' son by the Laws of the Land, ought to suffer  
 ' and forfeit.

*And of the D.* The ACT for the ATTAINER of James  
 of Ormond. Duke of Ormonde was exactly the same, the Name  
 only excepted.

*Report of the Committee of Secrecy about Mr. T. Harley* On the 19th of August Mr. Walpole reported from the Committee of Secrecy, ' That the said Committee having, pursuant to the Orders and Powers given to them by this House, proceeded to examine Thomas Harley, Esq; (who was sworn by such Members of the said Committee, as are Justices of Peace for the County of Middlesex and City of Westminster.) And the Committee conceiving that the said Mr. Harley had very much prevaricated in his Examination, the said Committee had directed, That some Extracts of Letters relating to the said Mr. Harley (which gave Occasion to the said Examination) and likewise a Copy of the Deposition of Mr. Harley, should be laid before the House; which he read in his Place, and afterwards delivered in at the Table, where the same were read, as follows:

*Extract of a Letter from Mr. St. John to the Lords Plenipotentiaries at Utrecht, the 16th of February 1711 12.*

THOUGH I have a great deal more to say, in order to explain clearly to Your Lordships the present Situation of the Queen's Domestick Affairs, and the Measures which she proposes Your Lordships should pursue towards effecting your great Work, under all the Difficulties which are thrown in the Way, than can be contained in the Compass of a reasonable Letter; yet

yet I should by this Messenger have enter'd into all that Detail, had not the Resolution been taken of finally instructing Mr. Harley on Monday, in the view of dispatching him on Tuesday.

It were to be wished, that this Gentleman could have been sooner sent both to *Utrecht* and to *Hanover*; but the Hurry which we have been for some time in is inexpressible, and he was too useful to be spared, till the House of Commons was perfectly secured to the Queen's Interest, and to the Measures of Peace. I think I may say they are absolutely so now.

Your Lordships will have this Matter fully opened to you by Mr. Harley.

*Extract of a Letter from the Lords Plenipotentiaries to Mr. Secretary St. John, the 5th of March 1712, N. S.*

YOur Favour of the 16th past, under your own Hand, gives us Hopes of seeing Mr. Harley here very soon, and of receiving by him such Orders as may enable us to fix on something more certain than hitherto we could do.

*Extract of a Letter from Mr. Secretary St. John to the Lords Plenipotentiaries, the 4<sup>th</sup> of March 1711-12.*

I Find Your Lordships, in the Private Letter of the Fifth of this Month, which you honour'd me with by *Couchman*, under some Impatience for the Arrival of Mr. Harley. And I am very far from wond'ring at you for it, since, in your present Situation, you run the risque of having the Game taken out of your Hands by others, and are in no sort able to play it on your selves.

This evil Circumstance will now be very soon cured. Mr. Harley goes away to morrow, and Your Lordships will be much better informed of the Queen's Intentions by what he will have the Honour to say to you, than you could possibly have been by ten Reams of written Instructions.

*Extract of a Letter from Mr. St. John to Monsieur de Torey, Secretary of State to the French King, the Fourth of March 1711-12, O. S.*

I Shculd be affamed, Sir, to have so long deferred answering your Letters, if I did not believe I was able to alledge in my Justification a good Reason, and which you will not disprove. In a Word, I was willing to write to you with Certainty, and for that end I was obliged to stay till the Ministers of the Emperor and of the Republick of Holland had more openly shewn their Game, till the necessary Dispositions were made among our People: and in short, till the Queen had taken the only Resolution which could bring us, in a little Time, to a good and solid Peace.

I have now the Satisfaction to tell you, That this Resolution is taken, and that Mr. Harley will set out, this Evening, or to-morrow-morning, with the final Instructions of the Queen to her Plenipotentiaries.

You will give me Leave to refer my self to the Sieur Gaultier to explain to you more at large the Subject of this Gentleman's Commission, and what the Queen hopes His Most Christian Majesty will do to co-operate with her.

*Extract of a Letter from Mr. St. John to the Lords Plenipotentiaries, the Twenty Sixth of March 1712.*

Mr. Harley is, I make no Doubt, long before this, with Your Lordships, and I hope he has fully explained the Queen's Desires and Views to you, at least he is amply instructed in them as I am able to inform him. The Conduct of this Matter is in so good Hands, that I am hopeful an Answerable Event may be expected.

*Extract of a Letter from the Lords Plenipotentiaries to Mr. St. John, the 6th of April, 1712.*

Mr. Harley has been here these Three Days, and Yesterday Mr. G-----r came to see us, having arrived the Night before.

*Extract*

Extract of a Letter from the Lords Plenipotentiaries to Mr. St. John, the 8th of April 1712.

OUR last of the 6th acquainted you, that some People had been disappointed that Day in their Expectations of breaking this Congress, which we hope may be carried on, and produce the good Effects intended.

That Evening, after we had received ample Informations from Mr. Hurley, and also spoken with Mr. Gaultier, we had a long Conference with the French Plenipotentiaries upon the Project that was sent you the 22d, whereof we again inclosed a Copy, with such Remarks as, after all we could urge, the French Ministers insisted on.

The 15 per Cent, they will by no means allow to extend to other Goods, than such as come into Spain in order to be transported into America.

Mr. Harley thinks it may be requisite to let fall that whole Pretension, and settle Commerce on the Foot it stood in the Time of King Charles the Second of Spain; and that the only Use we need make of the Fifteen per Cent. is to get something for it another way, which we shall be glad to hear from you, for in that Case our Work with the Dutch will become a good deal easier.

Copy of the Examination of Thomas Harley Esq; taken before the Right Honourable Hugh Boscawen, Esq; Comptroller of His Majesty's Household, and one of his Majesty's Justices of the Peace for the County of Middlesex, at the Committee of Secrecy.

THE Examiner saith, That when he first was sent abroad in or about March 1711-12, he was sent by the Queen's express Commands, who was pleased to speak Her self very particularly to him: That her Majesty ordered the Secretary of State to make such Powers as were necessary to be given to him, but would make it easy to him, and without

without any Formality : That Directions were given for full Powers, which this Examinant left in the Office, where he thought they would be most safe : That he never received any Powers, nor ever saw them, but at his own Choice went abroad without Powers : That the Queen ordered that this Examinant should have an Account of the State of Affairs, to be communicated by him to such Persons as he was to discourse with abroad : That he received from several Offices several Papers relating to the Revenue, and other Matters touching the then Situation of Affairs, from which the Queen was pleased to order him to inform himself as well as he could, that he might be able to explain himself when he went ; and, in particular, when he came to the Hague, he was to give the Pensionary an Account of the State of Affairs, and to use the best Arguments he could to hasten the Peace ; but he does not know whether he has any of those Papers now by him, and does not remember that he had any particular Instructions for himself, except from those Papers, but what he received from the Queen's own Mouth, the Particulars whereof he cannot at present charge his Memory with, except as above-mentioned : That he did not produce at the Hague, or at Utrecht, any Credential Letters from the Queen or any of Her Ministers : That he had no Orders to transact or negotiate any thing relating to the Peace with any Foreign Minister ; and that he did not transact or negotiate any thing relating to the Peace with any Foreign Minister ; That he did not, to his Knowledge, carry over any Plan, Project, or Scheme of a Peace ; and that he did not transact any thing at Utrecht with Abbot Gaultier, nor confer with him either there or before he went from England : That he does not remember he had any Orders from the Queen, or any of Her Ministers, relating to the Fifteen per Cent. and that he doth not remember that he did signify any Orders to the Queen's Plenipotentiaries concerning it ; and that he does not remember any thing

thing at all about the Fifteen per Cent. That he staid in Holland till he had the Queen's Order to go forward, signified by the Secretary of State: That he received several Letters whilst he was abroad, but from whom in particular he cannot remember; and that he wrote several Letters, but to whom he cannot remember; and that he doth not know that he has either Copies or Originals of any Letters that he either wrote or received: That he had no settled Allowance or Appointment, but at his first going over the first time he spent his own Money, which the Queen was afterwards pleased to order should be allowed him: That the first time he went abroad he received under Three Thousand Pounds, and in both Journies together he received in all about Five Thousand Five Hundred Pounds; and that what he received the Queen ordered for his Expences and the Trouble he had been at: That no Body negeciated any Money for him upon the publick Account but Mr. Decker, and that he does not remember that he had any publick Money but for his own Expence, which did not in the whole exceed the Sum of Five Thousand Five Hundred Pounds.

Jurat 21 Junii 1715.

Coram me

T. Harley.

Hugh Boscowen.

After the Reading of this Report, the Commons order'd, first, 'That Thomas Harley, Esq; now in Custody of the Serjeant at Arms attending this House, having prevaricated when he was examined at the Committee of Secrecy, (pursuant to the Order of the 15th of June last) be committed Prisoner to the Prison of the Gate-House, and that Mr. Speaker do Issue his Warrants accordingly, 2dly, That the Report from the Committee of Secrecy relating to the Examination of Thomas Harley Esq; be printed.

On Wednesday the 31st of August, Mr. Walpole (from the Committee of Secrecy,) acquainted the House of Commons, that the Committee had in

Mr. Thomas  
Harley com-  
mitted to the  
Gate-House.

Oba-

Obedience to the commands of the House, prepared Articles of Impeachment of *High Crimes and Misdemeanours* against Thomas Earl of Strafford; which he read in his Place, and afterwards deliver'd in at the Table, where they were read. Then it was order'd, That the said Articles be read a Second Time, Article by Article, which being done accordingly, the said Articles were severally agreed unto by the House; and order'd, 1st, That the said Articles be ingrossed; 2dly, 'That a Clause be prepared, of Strafford, ' saving Liberty to the Commons, to exhibit order'd to be any further Articles against the said Thomas Strafford, and that he may be put to answer the said Crimes and Misdemeanours.

*Articles a-  
gainst the E.  
of Strafford,  
order'd to be  
ingrossed,*  
Aug. 31st.

*The Earl of  
Strafford im-  
peach'd.*

Ang. 1st.

The next day, being the 1st of September, the said Clause was offer'd to the House, read, agreed to, and order'd to be ingrossed with the Articles of Impeachment; which being done accordingly, the said Ingrossed *Articles of Impeachment of High Crimes and Misdemeanours against Thomas Earl of Strafford*, were read, and order'd, First, 'That Mr. Aislaby do carry the said Articles to the Lords; 2dly, That Mr. Aislaby, before he exhibit the said Articles, do, at the Bar of the House of Lords, impeach the said Thomas Earl of Strafford of "High Crimes and Misdemeanors:" Which Mr. Aislaby, accompanied by many Members, did immediately; and deliver'd to, and left with the Lords the *Articles of Impeachment* against the said Earl, which are as follows :

*Articles of Impeachment of High Crimes and  
Misdemeanours against Thomas Earl of Strafford.*

WHEREAS His late Majesty King William the third, of Ever Glorious Memory, Out of his Great Wisdom and tender regard for his own Kingdoms, and the Protestant Succession, and to vindicate the Honour of the Crown and Nation, then affronted by France, in

In Proclaiming the Pretender, King of Great Britain, after the French King, had but lately before acknowledged his Majesty's Title to the same, as well as a just Concern, for the Preservation of the Liberties of Europe, against the Growing Power of France, which was then become more formidable from the Duke of Anjou's having taken Possession of the Entire Spanish Monarchy, did, upon the Advice and Request of both Houses of Parliament, in or about the Month of September 1701, enter into, make, and conclude a Treaty with Leopold Emperor of Germany and the States General of the United Provinces, whereof a strict Conjunction and Alliance amongst themselves being thought necessary for repelling the Greatness of the common Danger, it was, among other things, agreed, That there should be and continue between the said Confederates, a Constant, Perpetual, and Inviolable Friendship and Correspondence, and that each Party should be obliged to promote the Advantages of the other, and prevent all Inconveniences and Dangers that might happen to them, as far as lay in their Power.

That the said Allies desiring nothing more earnestly than the Peace and general Quiet of all Europe, had adjudged that nothing could be more effectual for the Establishment thereof than the procuring an Equitable and Reasonable Satisfaction to His Imperial Majesty, for his Pretensions to the Spanish Succession, and that the King of Great Britain and the States General might obtain a particular and sufficient Security for their Kingdoms, Provinces, and Dominions, and for the Navigation and Commerce of their Subjects, That it should not be permitted to either Party, when the War is once begun, to treat of Peace with the Enemy, unless jointly, and by a Communication of Councils, and no Peace should be made, unless an Equitable and Reasonable Satisfaction for His Imperial Majesty, and a particular Security for the Kingdoms, Provinces, Dominions, Navigation, and Commerce of His Majesty of Great Britain and the States General, be first obtained, and unless Care be taken, by fitting security, that the Kingdoms of France and Spain shall never come and be united under the same Government, nor that one and the same Person shall be King of both Kingdoms.

And whereas His said Late Majesty King William, and the States General, seriously considering that France was then become so formidable, from the Accession of Spain to the Duke

of Anjou, that, in the Opinion of all the World, Europe was in danger of losing her Liberty, and undergoing the heavy Yoke of Universal Monarchy, and that the surest Means of effecting that Design were to divide the King of Great Britain from the States General, for which purpose all imaginable Efforts would be made, they therefore thought it necessary to unite, in the strictest manner that was possible, and, to that end, a Defensive Treaty and Alliance was concluded and entred into between them, in or about November 1701, wherein, amongst other things, it was further agreed, That by the Alliance with the Emperor, made in September then last, particular Care had been taken for the Recovery of the Spanish Low Countries, out of the Hands of the Most Christian King, the said Confederates expressly engaged to aid one another with all their Forces, for the Recovery of the same ; and in regard the principal Interest of the said Confederates consisted in the Preservation of the Liberties of Europe, that the beforemention'd Treaty with the Emperor shall be faithfully and sincerely executed, and both Sides shall guarantee the same, and use their Endeavours to confirm and render it more strong, from Time to Time.

That in making Peace particular Care shall be taken of the Commerce and Traffick of both Nations, and also, for their Security, as well in regard to the Low Countries as the Countries adjacent; That when the War is begun, the Confederates shall act in concert, according to the 7<sup>th</sup> and 8<sup>th</sup> Articles of the Treaty of the 3d of March 1667-8, between England and Holland, which was thereby renewed and confirmed, and no Peace nor Truce, or Suspension of Arms, shall be negotiated or made, but according to the 9<sup>th</sup> and 10<sup>th</sup> Articles of that Treaty by which it was agreed, That when the Two Allies came once to an open War, it shall be lawful for neither of them afterwards to come to any Cessation of Arms with him who shall be declared and proclaimed an Enemy, without it be done conjointly and with common Consent, that no Negotiation of Peace shall be set on foot by one of the Allies, without the Concurrence of the other, and that each Ally shall continually and from Time to Time impart to the other every thing that shall pass in the said Negotiation, and shall stipulate with the common Enemy for the same Rights, Immunities, Exemptions, and Prerogatives, for his Ally, as he should do for himself, if so be the said Allies do not agree to the contrary.

And

And whereas the French King, having got Possession of a great Part of the Spanish Dominions, exercised an absolute Authority over that Monarchy, having seized *Milan* and the Spanish Low Countries, by his Armies, and made himself Master of *Cadiz* and of the Entrance into the Mediterranean and of the Spanish West Indies, by his Fleets, every where designing to invade the Liberties of Europe, and to obstruct the Freedom of Navigation and Commerce ; and instead of giving the Satisfaction that was justly expected, had proceeded to further Violences and Indignities ; and having influenced Spain to acknowledge the Pretender, and the *By* to concur with him in the said Affront ; Her Late Sacred Majesty Queen Anne, taking notice that she found her self obliged, for maintaining the Publick Faith, for vindicating the Honour of the Crown, and to prevent the Mischiefs which all Europe were threaten'd with, to declare a War against France and Spain, did accordingly, in the Month of May 1702, in the most publick and solemn manner, proclaim the same, as His Imperial Majesty and the States General did likewise do, in or about the said Month of May, in pursuance of the beformentioned Treaties.

And whereas many Kings, Princes, and States of Europe being invited by the said Grand Alliance, and relying on the Faith thereof, did afterwards become Parties to the said Confederate War against France and Spain, and in the Treaty enter'd into, in or about the Month of May 1703, between His Imperial Majesty, the Queen of Great Britain, the States General, and the King of Portugal, it was, among other things, expressly stipulated, That no Peace nor Truce shall be made, but by the mutual Consent of all the Confederates, nor shall at any Time be made, whilst the Second Grandson of the Most Christian King, by the Dauphin, or any other Prince of the Line of France, continued in Spain.

And whereas, to give the greatest Strength that was possible, to the Union so necessary to Both Nations, Her Late Majesty and the States, by a Treaty, in the Month of June 1703 renewed and confirmed, all Treaties and Alliances then subsisting between them ; and to the end a just and reasonable Peace might the better be obtained, that might establish the Repose and Tranquility of Europe, it was agreed, That neither of the said Allies should make a Suspension of Arms,

or a Peace with France or Spain, but in Conjunction and by common Consent.

And whereas the said War was, for several Years, carried on with Vigour and Unanimity, at a vast Expence of Blood and Treasure, for the Support of which, on the part of Great Britain, many Millions were granted by Parliaments who on many Occasions expressed their Sense of the Justice of it, and frequently gave their humble Advice to the Throne, That no Peace could be safe, honourable, or lasting, so long as Spain and the West Indies continued in any Branch of the House of Bourbon.

And whereas the just Cause of Her Majesty and her Allies, in Defence of the Common Liberty, and in Vindication of the Honour of the Crown of Great Britain, was favoured by the Divine Providence with unparalleld Successes and signal Victories, whereby, as well as by the Wisdom and Unanimity of their Councils, the Reputation of the Confederate Arms was highly advanced, and Great Britain was esteemed the Guardian of the Liberties of Europe.

And whereas, from the prosperous Condition of the Affairs of the Allies, nothing remained, in all humane Appearance but that they should reap the Fruits of all their Victories in a speedy, Just, Honourable, and Lasting Peace; and on the other hand, nothing was left to raise the Hopes of the Enemy whereby to defeat that happy Prospect, but his secret Endeavours to disunite the Confederacy.

And whereas divers evil-minded Persons, Enemies to the true Interest of their own Country, as well as to the common Liberties and Welfare of Europe, having, by many wicked Arts and base Insinuations, obtained Access to Her Late Majesty Queen Anne, and being admitted into her Council, and into Places of the highest Trust, and having formed a wicked and treacherous Correspondence with the Emissaries of France, and set on foot a private and destructive Negotiation of Peace, thereby intending to weaken and dissolve the Confederacy, which had so long and happily subsisted between Her Majesty and her good and faithful Allies, to the Honour and Safety of the Nation, had prevailed upon Her said Late Majesty, for that purpose, to declare her Resolution of ent'ring into a Treaty of Peace with the common Enemy, against the Consent and Opinion of all Her Majesty's Allies, and also to appoint John, then Lord Bishop of Bristol

*Bristol*, and *Thomas Earl of Strafford*, her Plenipotentiaries, to transact the same at *Utrecht*.

And whereas Her Sacred Majesty, in pursuance of the Treaties she stood engaged in, and of her Declaration in the Month of *April 1711*, to the Grand Pensionary and the other Ministers of *Holland*, being still determined, in making Peace as in making War, to act in perfect Concert with her Allies, and, in Conjunction with them, to demand and procure from *France* a Just Satisfaction for all their Pretensions, according to and in Performance of the many solemn Treaties and Alliances then subsisting between Her Majesty and them, did, in pursuance thereof, by her Instructions under the Sign Manual, dated the 21st of *October 1711*, to him the said *Thomas Earl of Strafford*, her Ambassador Extraordinary and Plenipotentiary to the States General, direct him, that during the Course of the then intended Negotiation of Peace, it must be the most careful Endeavour and the fixed Principle of all the Confederates, to hold fast together, in order to obtain from the Enemy the utmost which could be hoped for in the present Circumstances of Affairs; and that he might assure the Confederates that Her Majesty, on her part, would firmly adhere to that Rule, and that she was so far from making Peace without the Concurrence of the States General that she had declared her firm Resolution not to make it without their Satisfaction.

And also by her Instructions under the Sign Manual to the then Bishop of *Bristol* and him the said *Thomas Earl of Strafford*, her Plenipotentiaries, to treat of a Good and General Peace, Her said Majesty, amongst other things, did direct them, upon their Arrival at *Utrecht*, to concert with the Ministers of the Allies, in what manner it might be most proper to open the Conferences, and what Method to observe in the Progress of the Treaties; upon that and all other Occasions earnestly to reprent to those Ministers the great Importance of appearing united, and for that reason to recommend to them, that if any Difference or Dispute should arise, the same should be accommodated amongst themselves, that *France* might have no Hold to break in upon them, but, on the contrary, whenever they meet the Enemy's Ministers in the Congress, every Opinion that is delivered, and every Instance that is made, may be backed by the concurrent Force of the whole Confederacy.

That

That if it should be thought proper to begin by the disposition of the Spanish Monarchy, they were to insist, that the Security and reasonable Satisfaction, which the Allies expected, and which his most Christian Majesty had promised, could not be obtain'd, if Spain, and the West-Indies, be allotted to any Branch of the House of Bourbon. Notwithstanding all which Premisses.

### ARTICLE I.

He the said Thomas, Earl of Strafford, being of her Majesties Privy Council and her Ambassador Extraordinary to the States General, and appointed one of her Plenipotentiaries to treat with the Ministers of France, of a good and General Peace, in Concert with the Ministers of her Majesties Allies, who for that purpose were assembled at Utrecht with those of France, with full Powers to transact the same, having no regard to the true ends of his said Commissions and Powers, to the Honour or Safety of her Majesty or her Kingdoms, to the many Solemn Engagements she was under, to the Old and Faithful Allies of this Nation, or to the Common Liberties of Europe, but being devoted to the Interest and Service of the French King, the then Common Enemy, in defiance of the Tenour of the several Treaties before-mentioned, or some of them, as well as of the frequent Advices of Parliament, and the many Declarations of her Majesty from the Throne, but more particularly in defiance of the Solemn and mutual Assurances, which had been so lately renewed, between her Majesty, and the States General, to act in perfect Concert with each other, in making Peace, as in making War; and of the several Instructions, from her Majesty, under the Sign Manual to him the said Earl, in pursuance thereof, was not only wanting in his Duty and Trust to her Majesty, by not advising against, and as far as was in his Power, by not opposing the going into any private Separate Negotiation with France, but on the contrary, when a Separate, Dishonourable, and Destructive Negotiation of Peace, was entred into, between the Ministers of Great Britain, and France, without any Communication thereof to her Majesties Allies, according to their several Treaties, he the said Earl, did not only take upon himself, and presume from time to time, to advise and Exhort, that the same should be Continued and Carried on, but did likewise frequently Concert Private and Separate Measures, with

with the Ministers of *France*, in Order to impose upon, and deceive her Majesties good Subjects, and her Allies, and was Instrumental in promoting the said Separate Negotiation, Exclusive of all the Allies, and to their manifest Prejudice and Detriment.

And further, he the said Earl, when the Ministers of *France* at *Utrecht*, refused to answer in writing, and on many other Occasions proceeded in a falacious and unjustifiable manner, in transacting the Negotiations of Peace, was not only wanting in his Duty, in not representing to her Majesty and her Ministers, against the same, and in not Supporting, in the manner he ought to have done, her Majesties Good Allies, in their reasonable demands from *France*, but on the contrary, commended the *French* Prudence, in taking such Measures, and even Suggested himself the Methods for *France*, to make use of, to create Dissentions amongst the Allies, and Separate Negotiations between each of the Allies and *France*, thereby to dissolve the whole Confederacy.

By which Wicked and Treacherous Practices, he the said Earl, Prostituted the Honour, of her Majesty and the Imperial Crown of these Realms; and grossly violated his Powers and Instructions, the many Treaties, which her Majesty then stood engaged in to her Allies, and the repeated Assurances, which the said Earl, had, by her Majesties Order, and in her Name, given to the said Allies, to act in perfect Concert with them, throughout the whole Negotiation of Peace, thereby rendering the design of the Confederacy, and the mutual Support expected from the same, altogether useless, and giving up the Affairs of *Europe*, into the hands of *France*.

#### A R T I C L E II.

Whereas the maintaining a perfect Union, and good Correspondence between her late Majesty, and the Illustrious House of *Hanover*, was of the utmost Importance for preserving to these Kingdoms, the invaluable Blessings of their Religion, and Civil Liberties, by securing the Succession to the Crown to a Race of *Protestant* Princes, ever renowned for their Great Justice and Clemency, and thereby defeating the Traterous Designs of the Pretender, and for that purpose, the Great Wisdom of divers Parliaments, which had fixed

fixed and confirmed the said Succession, had also laid the Obligation of an Oath upon the Subjects of these Realms to support and maintain the same, to the utmost of their Power.

He the said *Thomas Earl of Strafford*, not regarding the many ill Consequences to her Majesty and these Kingdoms which would naturally ensue from a Disunion, or Coolness of affection, between Princes so nearly Allyed in Blood and Interest, instead of doing what in him lay to prevent the same, did, on the contrary, in his Letters from *Holland*, to her Majesties Ministers of State in *Great Britain*, by divers false Representations, and Scurrilous Reflections, upon his present most Gracious Majesty, then Elector of *Hanover*, endeavour to alienate her Majesty's Affections, from his said Electoral Highness, and to Create, or Widen fatal Differences or Misunderstandings, between them. And when by the Wicked and pernicious Advice of him, the said *Thomas Earl of Strafford*, and divers other Evil Counsellors, her late Majesty, was at last prevailed upon, to make a fatal Ceſſation of Arms, with the then Common Enemy, without any concert with his said Electoral Highnes, and against the consent, and contrary to the most Earnest Representations of all her Allies, for the Execution of which, he the said Earl, was sent over to the Army in the *Netherlands*, where the Generals of the Auxiliaries paid by her Majesty, whose Honour and Consciences would not permit them to abandon the Confederates, and leave them as a Sacrifice to *France*, refused to withdraw with the Duke of *Ormond*, without particular Orders, from their respective Masters, which Proceedings of the Confederate Generals, being wickedly represented by the said Evil Councillors in Conjunction with the Ministers and Emissaries of *France*, as an Indignity offered to her Sacred Majesty.

He the said *Thomas Earl of Strafford*, to create Uneasiness and Dissention between her late Majesty, and his then Electoral Highness, did by his Letter, on or about the 17th of July, 1712. to her Majesties then Secretary of State, Maliciously and Wickedly Suggest, and affirm, that the said Separation of the Confederate Generals, from the Duke of *Ormonde*, ought to be Imputed to his said Electoral Highness.

And

And further he the said Earl, by frequently affirming, and sometimes in the most solemn manner, to the Ministers of His said Electoral Highness, as well as others, the most notorious and manifest Untruths, contrary to the Intentions and Interests of Her Majesty, and vainly intending thereby to deceive and impose upon His said Electoral Highness and the rest of Her Majesty's good and faithful Allies, in Matters of the highest Importance, and particularly, by solemnly affirming, on or about the 16th of July 1712, to Monsieur Buleau, General of the Hanover Forces, and the rest of the Confederate Generals, that Her Majesty had made no Truce with France, whereas he the said Earl then well knew the same was made and concluded several Weeks before, did thereby, as well as by the beforementioned Proceedings, not only prostitute and dishonour the high Characters he was then invested with, but, as far as in him lay, did dissolve the mutual Confidence and good Understanding, so necessary to be maintained between Her said Late Majesty and the Illustrious House of Hanover, for the Safety and Prosperity of Great Britain, and the common Liberty of Europe.

### ARTICLE III.

Whereas in the pernicious Negotiations of Peace carried on by him the said Earl and other evil Counsellors, with the Ministers of France, the French King had proposed to acknowledge Her Majesty's Title to the Crown of these Realms, and the Protestant Succession in the Illustrious House of Hanover, when the Peace should be signed between Great Britain and France, and not before: Whereupon the House of Lords, by an humble Address to Her Majesty, on the 15th of February 1711, begg'd Leave to represent their just Indignation at that dishonourable Treatment of Her Majesty, as also their utmost Resentment at the Terms of Peace offered to Her Majesty and her Allies by the Plenipotentiaries of France, for which Addresses Her Majesty was pleased to return them her hearty Thanks, for the Zeal they had therein expressed for her Honour.

He, the said Earl, was not only wanting in his Duty to Her Majesty and Zeal for the Protestant Succession, in not advising Her Majesty against treating with France upon such dishonourable Terms, but did himself, with other evil Counsellors, privately, wickedly, and treacherously, concert and

agree with the Ministers of *France*, that the said Proposals, so derogatory to the Dignity of Her Majesty, and dangerous to these Kingdoms, should be the Conditions upon which *France* would agree to treat of a Peace with *Great Britain*.

And further he the said Earl, in Contempt and Defiance of the Judgment of the House of Peers, which had received Her Majesty's gracious Approbation, and acting the Part of an Emissary of *France* instead of a Plenipotentiary of *Great Britain*, being thereunto encouraged, and founding his Presumption on a Letter to the then said Bishop of *Bristol* and him the said Earl, from *Henry St. John Esq;* then Principal Secretary of State, on the 16th of February 1711, the next Day after the said Address of the House of Peers was made, and informing them of the Indignation expressed in *Great Britain* at the Offers of *France*; but that by the Management of Mr. *Thomas Harley* (then Secretary of the Treasury) the House of Commons was perfectly and absolutely secured to the Measures of Peace; did wickedly, deceitfully, and perfidiously concert and agree with the Ministers of *France* at *Utrecht*, that the said *French* Ministers should write a collusive Letter to him the said Earl, and the then said Bishop of *Bristol*, wherein Her Majesty should be styled Queen of *Great Britain*; which Letter was not to be made any use of at *Utrecht*, or taken as an Acknowledgment by *France* of Her Majesty's Title to the Crown, but was agreed to be transmitted to *Great Britain*, thereby to deceive and impose upon Her Majesty and the Parliament, as if *France* had then actually acknowledged the same; which said Letter was accordingly written by the Ministers of *France*, and transmittit to *Great Britain* by him the said Earl.

Whereby Her Majesty, the Parliament, and the whole Nation, were most grossly and scandalously abused and drawn into the said destructive Measures of Peace, to the great Dishonour of Her Majesty and these Kingdoms, and to the apparent Danger of the Protestant Succession.

#### ARTICLE IV.

That he the said *Thomas Earl of Strafford*, in Defiance of the many Treaties between Her Majesty and her Allies, for the Recovery of the Monarchy of *Spain* to the House of *Austria*, thereby to preserve a Due Ballance of Power in *Europe*; and in Contempt of the Advice and Opinion of Parliament,

liament, That no Peace could be safe, honourable, or lasting; so long as *Spain* and the *West Indies* continued in any Branch of the House of *Bourbon*; and also in direct Violation of Her Majesty's Instructions of the 23d of December 1711, in pursuance thereof; whereby he the said Earl was expressly commanded to insist, in the Conferences of Peace with the Ministers of *France*, that the Security and Reasonable Satisfaction which the Allies expected, and which His *Most Christian* Majesty had promised to grant, could not be obtained if *Spain* and the *West Indies* be allotted to any Branch of that House, did not only presume to treat about the Peace with the Ministers of *France*, without insisting, as he ought to have done, that *Spain* and the *West Indies* should not be allotted to the said House of *Bourbon*, but also when the Ministers of His Imperial Majesty and of the King of *Portugal*, in Conformity to the mutual Obligations and Treaties between Her Majesty and them, and, with each other, demanded of *France*, that *Spain* and the *West Indies* should be restored to the House of *Austria*, and requested him the said Earl to join with them to strengthen that Demand, did decline and refuse to do the same.

By which perfidious and unwarrantable Practices of him the said *Thomas Earl of Strafford*, incurable Jealousies and Discords were created between Her Majesty and her Allies; that mutual Confidence which had so long and so successfully been cultivated between them, and which was so necessary for their common Safety, was absolutely dissolved; the just Balance of Power in *Europe* was wickedly betrayed; and apparent Advantages were given to the common Enemy, to impose what Terms of Peace he should think fit, upon Her Majesty and the whole Confederacy.

#### A R T I C L E V.

Whereas Her Late Majesty, on the 7th of December 1711, having earnestly recommended from the Throne, That Provision might be made for an early Campaign, in order to carry on the War with Vigour, and as the best Way to render the Treaty of Peace effectual; and accordingly Supplies were granted and Magazines provided, at a great Expence; and in pursuance thereof, Her Majesty having given early Assurances to her Allies of her sincere Intentions, and likewise expressly instructed her General the Duke of *Ormonde*, not only to re-

new the same Assurances, and declare her Resolution o  
pushing on the War with the utmost Vigour, but to concert  
with the Generals of the Allies the proper Measures for en-  
tring upon Action; which Assurances were accordingly given  
by the said Duke, and the Confederate Army was thereupon  
ordered to be assembled, which at that Time was the Strong-  
est that had been in the Service during the whole Course of  
the War, and greatly superior to that of the Enemy.

Notwithstanding which Premises he the said *Thomas Earl*  
*of Strafford*, then of Her Majesty's Privy Council, being  
informed of the reasonable Prospect which, by the Blessing of  
God, the Army of the Confederates then had, of gaining  
new Conquests over the Army of *France*, in order to disap-  
point the Expectations of the Allies, and to give Success to  
the secret and wicked Negotiations then carrying on by him-  
self and other evil Counsellors, with the Ministers of *France*,  
on divers very False and Groundless Suggestions and Allega-  
tions, and in Violation of many Treaties then subsisting be-  
tween Her Majesty and the States General, as well as several  
other Princes, at several Times, and particularly by his Let-  
ter of the 30th of April 1712, to *Henry Viscount Bolingbroke*,  
then *Henry St. John Esq;* one of Her Majesty's Principal Se-  
cretaries of State, did wickedly and treacherously suggest and  
advise, That a Cessation of Arms should be made with *France*  
by Her Majesty, without and even against the Consent of her  
good Allies and Confederates.

In pursuance of which wicked Counsels and Advices, Direc-  
tions were afterwards privately sent, in Her Majesty's  
Name, to the Duke of *Ormonde* in *Flanders*, to avoid en-  
gaging in any Siege, or hazarding a Battel, till further Or-  
ders, although nothing had been then settled in the said pri-  
vate Negotiation, for the Interest and Security of *Great*  
*Britain*.

And further he the said *Thomas Earl of Strafford*, at that  
Time also of Her Majesty's Privy Council, did advise Her  
Late Majesty that he himself should be sent, and accordingly  
he was afterwards sent from *England* to the Army under the  
Duke of *Ormonde* in *Flanders*, with Directions, in Her Ma-  
jesty's Name, to cause a Cessation of Arms to be made and  
proclaimed between Her Majesty's and the *French* Army, and  
Preparation to be made by the Troops of *Great Britain*, from

the Confederate Army, which were accordingly performed and executed, by the advice and direction of him the said E. without the Consent, and contrary to the earnest Representations of her Majesties Confederates, and in open Violation and Defiance of the many Treaties then Subsisting, between her Majesty, and her Good and Faithful Allies.

By which wicked and perfidious Counsels, and Practices of him, the said *Thomas Earl of Strafford*, the Progress of the Victorious Arms of the Confederates was stopped, and a most favourable Opportunity lost, for Conquering the Enemy, all hopes of Confidence between her Majesty, and her Allies were entirely destroyed, and the *French King* made Absolute Master of the Negotiations of Peace.

#### ARTICLE VI.

That he the said *Thomas Earl of Strafford*, having in concert with other false and Evil Counsellors, Wickedly advised and procured the said fatal Cessation of Arms, and likewise obtained for *France*, the Separation of the Troops of *Great Britin*, from the Confederate Army, in further Execution of his Treacherous purposes, to advance and promote the Interests of *France*, and being determined, as far as in him lay, not only to render all future Correspondence, and good Harmony, beween her Majesty and the States General, utterly Impracticable, but designing by all possible means, to weaken and distress the said States, in Order to bring them under an absolute necessity, of complying and submitting to the measures of *France*, and well knowing, that taking Possession of *Ghent* and *Brughes*, was the readiest means of Effecting the same, did wickedly and treacherously advise, that a Party of the Queen's Troops, shou'd be sent to March through some of the Towns belonging to the States General, in hopes, that the Commanders of the said Towns, incens'd by such unjust and unnecessary Provocations, and through the Apprehensions of the ill Consequences, that such Attempts and Proceedings might subject them to, would be induced to refuse them admittance, and thereby give a pretence, for putting in Execution, the perfidious Designs and Resolutions, which had been concerted by him the said Earl, and other evil Councillors, with the Ministers of *France*, in pursuance of which wicked Advice, a Party of her Majesties Troops, was accordingly sent with Orders to

march

march through some of the Fortified Towns, belonging to the States General, and on pretence of their being denied Passage through the same, the said Treacherous and Destructive design, was immediately put in Execution, and *Ghent* and *Bruges*, were seized upon by the Troops of *Great Britain*, whereby all means of Communication, between *Holland* and the Confederate Army being entirely cut off, or put into the hands of those, who had so lately and shamefully betray'd the common Cause, apparent Advantages and Encouragement were given to the *French* Army, and her Majesty's good and Faithful Allies, were deterred from forming, or prosecuting any Designs against the Common Enemy, since the same could not be put in Execution without their Knowledge and Consent, who on many Occasions, had given the most evident Proofs of their Disaffection to the Confederates, and of their firm Adherence to the Interests of *France*.

All which Crimes and Misdemeanours were committed, and done by him the said Earl, against our late Sovereign Lady the Queen, her Crown and Dignity, the Peace and Interest of this Kingdom, and in Breach of the several Trusts reposed in him, the said Earl.

And he the said Earl of *Strafford*, was of Her late Majesties Privy Council, her Ambassador Extraordinary to the States General, and one of Her Plenipotentiaries, to Treat of a good and General Peace with *France*, during the time that all and every the Crimes before set forth were done and committed.

And the said Knights, Citizens, and Burgesses by Protestation saving to themselves the Liberty to exhibit at any time hereafter, any other Accusations or Impeachments against the said *Thomas Earl of Strafford*, and also of replying to the Answers, that the said *Thomas Earl of Strafford*, shall make unto the said Articles, or any of them, or of Offering Proof of the Premisses, or any other Impeachments or Accusations; that shall be Exhibited by them, as the Case shall (according to the Course of Parliament) require: Do pray that the said *Thomas Earl of Strafford*, be put to answer the said Crimes and Misdemeanours, and receive such Condign Punishment, as the same shall deserve. And that such Proceedings Examinations, Tryals and Judgments, may be upon every of them, had and used, as are agreeable to Law and Justice.

These

THESE Articles, having been read in the House of Peers, the Earl of Strafford, made a long Speech, wherein among other things, He complain'd of the Hardship that had been put upon him, by seizing his Papers, in an unprecedented manner. ' That he design'd to have drawn up and printed an Account of all his Negotiations, whereby, he did not doubt, he would have made it appear, to all the World, that he had done nothing but in Discharge of his Duty, and of the Trust reposed in him. That if, either in his Letters or Discourses, while he had the Honour to represent the Crown of Great Britain, he had dropt any unguarded Expressions, against some Foreign Ministers, he hoped the same would not be accounted a Crime by a British House of Peers. Concluding with desiring, that a competent Time be allow'd him to answer the Articles now brought against him; and that he might have Duplicates of all the Papers, that either had been laid before the Committee of Secrecy, or were still in the Hands of the Government, which might be for his Justification. The Lord Viscount Townshend; in particular, said, ' That his Complaint about the taking his Papers from him, was altogether groundless and unjust: That infinite Instances of the like Proceeding might be produced; That no State could be safe without it; and, in short, that extraordinary Cases justify extraordinary Methods. As to the Earl of Strafford's demand, to have Duplicates of all the Papers that had been laid before the Commons, he (the Lord Townshend) thought it unreasonable, and made with no other Design than to gain Time; and make the Commons lose the Opportunity of bringing him to his Trial. That those Papers were so voluminous (consisting of 13 or 14 Volumes in Folio

*Debate in the  
House of Lds.  
thereupon.*

'Folio) that they could not be copied out in many Weeks; and as the Earl might have had Access to them, ever since they were laid before the Parliament, so he was still at Liberty to peruse them, and extract out of them what he thought proper for his own Defence.' The Duke of Devonshire and the Lord Chancellor Cooper back'd the Lord Townshend; and, on the contrary, the Late Lord Chancellor Harcourt, and the Bishop of Rochester, spoke for the Earl of Strafford: But what availed the Latter most was said by the Earl of Ilia, who represented, 'That in all Civilized Nations, all Courts of Judicature, except the Inquisition, allow'd the Persons arraign'd all that was necessary for their Justification; and that the House of Peers of Great Britain ought not, in this Case, to do any thing contrary to that Honour and Equity, for which they are so justly renowned throughout all Europe.' Hereupon it was resolved, That the Earl of Strafford should have Copies of all such Papers as were in the Secretaries, and other Offices, which he should think proper for his Defence; that he should have free Access to the Papers that had been laid before the Commons; and that a Month's Time be allow'd him, to answer the Articles of Impeachment against him.

It was expected, That the Earl of Oxford would, on the 23d of August, have given in his Answer to the Articles exhibited against him; but, on that Day, a Petition from the said Earl, praying for a longer Time, being presented to Their Lordships, they were pleased to agree to give him till that Day Sevennight, and order'd that he should then attend at their Bar in Person, and deliver in his Answer. But on the 30th of August, having petition'd for a longer Delay, Their Lordships granted him till Saturday the 3d of

of September, when the Earl of Oxford caused the following Answer to be deliver'd to the House of Lords :

*The ANSWER of Robert Earl of Oxford and Earl Mortimer, to the Articles exhibited by the Knights, Citizens, and Burgesses in Parliament assembled, in the Name of themselves, and of all the Commons of Great Britain, in Maintenance of their Impeachment against him for High Treason, and other High Crimes and Misdemeanors, supposed to have been by him committed.*

*The Earl of Oxford's ANSWER to the Articles of Impeachment against him.*

THE said Earl saving to himself all Advantages of Exception to the said Articles, and of not being prejudiced by any Words, or Want of Form, in this his Answer ; and also saving to himself all Rights and Privileges belonging to him, as one of the Peers of this Realm, for Answer to the said Articles, saith, *He admits many Solemn Treaties and Alliances have been formerly enter'd into, between the Crown of England, and other Princes and Potentates of Europe, for their mutual Security, and to prevent the immoderate Growth of the Power of France, which might prove dangerous to the Neighbouring Princes and States : And that it was therefore laid down as a fundamental Principle and Maxim of Union amongst the Allies, That France and Spain should never come and be united under the same Government, and that one and the same Person should not be King of Both those Kingdoms : And he apprehends, that the Principal View and Aim of the Allies was to settle and maintain an equal Balance of Power in Europe ; and since the Conjunction of Spain to the Dominions of France might possibly ensue, from the Duke of Anjou's being possessed of that Crown, the Dispossessing him was desir'd, as the most likely Means to prevent that Conjunction ; and, for the same Reason, the Union of Spain with the Empire must have been*

equally fatal, and the Prevention of it equally the Design of the Alliance ; nor could the Continuance of Spain in the House of Bourbon be, in any respect, prejudicial to the Allies. if the Union of that Crown with France could be prevented As new Dangers of such Union have been apprehended, new Treaties and Stipulations have been enter'd into amongst the Allies, to obviate such Dangers, and particularly the Treaty for an Intended Partition seems to have been concluded upon that View : And tho' he acknowledges the Wisdom of Parliament in condemning that Treaty, as prejudicial and fatal, in its Consequences, to England and the Peace of Europe ; yet he presumes it was not condemn'd, because Part of the Dominions of the Crown of Spain were thereby allotted to the House of Bourbon, but because such considerable Parts of those Dominions, as the Kingdoms of Naples and Sicily, the Province of Guipuscoa, and other Territories, were allotted to that Branch of the House of Bourbon, to whom the Crown of France was to descend ; which might have been a great and dangerous Addition to the then formidable Strength of that Crown, and because it was made against the repeated Remonstrances of Charles II. then King of Spain, who declar'd by his Ambassador, That such Partition-Treaty could have no other Effect than to force Spain to throw it self into the Arms of France, to prevent the Dismembering of the Spanish Monarchy : And that it had this Consequence appear'd upon the Death of that Prince, who seems to have been induced, by that Consideration, to bequeath the Entire Monarchy of Spain to the Duke of Anjou, a younger Branch of the House of Bourbon, who accordingly, upon the Demise of the said King Charles II. took Possession of the Monarchy of Spain. But this Accession of the Duke of Anjou to the Crown of Spain did not produce the Alliance in the Article mention'd between Leopold then Emperor of Germany, His Late Majesty King William III. of Ever-glorious Memory, and the States General, as immediately necessary at that Juncture ; for King William, as well as the States General, acknowledg'd the D. of Anjou as King of Spain, thereby allowing that the Duke of Anjou's Enjoyment of the Monarchy of Spain, while he was but a Younger Branch of the House of Bourbon, was not destructive of the Liberties of Europe, or the Preservation of a due Ballance of Power. And afterwards, when the French King

King had seiz'd the Spanish Netherlands, King William, by Advice of Parliament, came into the Assistance of the States as Auxiliary only, by sending, upon their Request, Ten Thousand Men, which England was obliged by Treaties to furnish, in case the States were attack'd; after which many Conferences passed at the Hague, betwixt the Ministers of England and the States, and those of France, in order to find out some Expedient, by which, upon a Reasonable Division of the Dominions of Spain, a new War might be prevented: And the States, in the Course of those Conferences, often asserted, That tho' they had acknowledg'd Philip King of Spain, yet such an Acknowledgment was not contrary to the Demand of a Reasonable Satisfaction to be given to the Emperor, for his Pretensions to the Spanish Succession: Which was in Effect to declare, That the Satisfaction demanded for the Emperor was such as would leave King Philip in Possession of Spain. But these Conferences broke off about August 1701, without Effect, and, in September following, King William enter'd into the Grand Alliance with the Emperor and the States General, whereby it was agreed, That, in the first place, Endeavours should be used, by Amicable Means to obtain the Satisfaction desir'd for the Emperor, who probably, at that Time, would have accepted a very Easy Composition for his Pretensions: But when the French King acknowledged the Pretender as King of England, which not long after happened, His Majesty King William, and the Parliament of England, justly provoked by this Affront, resolv'd to enter into the War which had been begun by the Emperor alone, in Italy, the Year before. And the Late Queen mentions this Indignity as the Chief Motive of her engaging in it, as appears by her Declaration of War against France and Spain, in May 1702.

The said Earl admits the several Treaties set forth in the Preamble to the said Articles, and that such Advice was given by Parliament, and such Speeches were made from the Throne, as in the said Preamble are mentioned; but, for more Certainty, begs Leave to refer himself to the very Treaties, Addresses of Parliament, and Speeches, when they shall be produc'd: And he humbly hopes Your Lordships will allow him to observe, that those Treaties manifestly shew, that the Design of the Allies, in endeavouring the Recovery of Spain from the House of Bourbon, was to prevent

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the Union of those two potent Kingdoms, in one and the same Person. In the Grand Alliance 1701, the avow'd Ends thereof are, The procuring an Equitable and Reasonable Satisfaction to His Imperial Majesty for his Pretension to the Spanish Succession, the Security of the Dominions of the King of Great Britain and States General, with the Navigation and Commerce of their Subjects; the Preventing the Union of France and Spain under the same Government: And the Territories and Provinces pointed out in the Fifth Article, were the furthest Views of that Alliance; whereby it was thought His Imperial Majesty would receive the utmost Satisfaction which he could reasonably demand, for his Pretension to the Spanish Succession. No Mention is made of the Recovery of the Whole Monarchy of Spain to the House of Austria, either in the Grand Alliance, or in the Defensive One made the same Year, between His Majesty King William and the States General: And when, in the Treaty between the Emperor, the Queen of Great Britain, and the States General, on the one Part, and the King of Portugal on the other, about May 1703, it was concerted to place Arch-duc<sup>e</sup> Charles, the present Emperor, upon the Throne of Spain, he was then but a Younger Branch of the House of Austria; and there is great Reason to believe, that the Queen, as well as other Princes of Europe, and in particular the King of Portugal, did not think a Treaty to procure the Crown of Spain for the Arch-duc<sup>e</sup>, when a Younger Branch of the House of Austria, did lay any Obligation of procuring that Monarchy for him, when he became First of that House, and was elected Emperor; since the Imperial and Hereditary Dominions, join'd to the Whole Spanish Monarchy, would have given such Excess of Power to one Prince, as would have been formidable to Europe, and a Means to destroy that Balance of Power which Her Majesty, in all her Treaties, had constantly labour'd to preserve; and it is a known and an allow'd Rule, by the Law of Nations, in reference to Leagues between Princes, That if there happens a Material Change in what was the Principal Ground and Cause of the Treaty, the Obligation thereof ceases. If therefore in the Preliminary Articles in 1709, and afterwards in the Conferences at Gertruydenberg, a Cession of the Spanish Monarchy to King Charles III. who was then Younger Brother to the Emperor,

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was thought reasonable to be insisted on; yet the said Earl humbly submits to Your Lordships great Judgments, whether there was equal Reason for insisting on such Cession, when K. Charles III. was become Head of that House, and had Possession of the Empire and all the Hereditary Countries of *Austria*, as a Condition without which no Peace should be made. The States General were so far from admitting or yielding that the Monarchy of *Spain* should, in all Events, be given to the House of *Austria*, that he the said Earl hath heard, they refus'd to admit it to be inserted as a Condition of their Barrier-Treaty, when propos'd by Her Majesty's Ambassador at the *Hague*, and chose rather to put a stop to the Proceedings of that Treaty, and hazard the Advantages they thereby expected, than comply with that Proposal. The Advice of Parliament is of great Weight, to which Her Late Majesty always gave, and the said Earl always paid, a just Regard, and he doubts not but the House of Peers had proper Inducements when they gave their Advice to the Throne, *That no Peace would be safe, honourable, or lasting, so long as the Kingdom of Spain and the West Indies continued in the Possession of any Branch of the House of Bourbon*: But if he may be permitted to offer his humble Conjecture of the Motives of that Advice, he conceives it might proceed from an Apprehension of a future Union of those Two Crowns, as likely to ensue, in case *Spain* should continue in the Possession of any who might become Heir to the Crown of *France*, and that even the Conjunction of the Empire and *Spain* would be less dangerous than such an Union. But when Her Majesty communicated to her Parliament, the 6th of June 1712, the Terms upon which a Peace might be made, and thereby inform'd them, *That France had been brought to offer, that the Duke of Anjou should, for himself and his Descendants, renounce for ever all Claim to the Crown of France; and that, at the same Time, the Succession to the Crown of France was to be declared, after the Death of the then Dauphin and his Sons, to be in the Duke of Berry and his Sons, in the Duke of Orleans and his Sons, and so on to the rest of the House of Bourbon*; and that the Succession to *Spain* and the West Indies, after the Duke of Anjou and his Children, was to descend to such Prince as should be agreed upon at the Treaty of Peace, for ever excluding the rest

of the House of Bourbon ; both Houses of Parliament, by their respective Addresses to her Majesty, in the same Month, express'd their entire Satisfaction : And as the House of Commons desir'd her Majesty to proceed in the Negotiations then depending for obtaining a speedy Peace ; so the House of Lords assur'd her Majesty, That they entirely rely'd on her Majesty's Wisdom to finish that Great and Good Work. And after her Majesty had concluded a Peace on those Terms, both Houses of Parliament, severally, congratulated her Majesty on the conclusion of the Peace ; and also join'd in an Address of the 22d of April 1714, expressing their just Sense of her Majesty's Goodness to her People, in Delivering them by a Safe, Honourable, and Advantageous Peace with France and Spain, from the heavy Burthen of a Consuming Land War, Unequally carry'd on, and become at last Impracticable.

He the said Earl acknowledges, that Her Majesty was pleas'd about August 1710, to re-admit him, among others, to a Place in Her Council, and to require his Services in Offices of Trust ; to which he submitted purely in Obedience to Her Majesties Commands, with great Reluctance, from the Prospect of the Difficulties with which he was likely to struggle. But as he never ask'd any Employment, nor us'd any wicked Arts, or base Insinuations, to obtain the same from Her Majesty ; so in all Employments with which her Majesty was pleas'd to Honour him, he sincerely endeavour'd to discharge his Duty with the utmost Integrity ; having always with the truest Zeal desir'd and endeavour'd, as far as he could, to promote the Honour and Service of her Majesty, whose Aim he knew to be the Welfare of her Kingdoms in the first place, and as far as She judged it consistent with that, the common Good of her Allies.

In or about the Month of September 1710, Her Majesty (whose undoubted Prerogative it was) thought fit to Dissolve the Parliament then in being, and call a new One. In the Year 1711. Propositions were made by France to her Majesty for a Peace, without the Contrivance, or previous Knowledge of the said Earl : Her Majesty, out of her Affection for her People, having it much at her Heart to establish Peace in her own Days, express'd Her Concern for the Disappointment of former Negotiations, and Her earnest

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Desire to put a speedy End to the War, and to the Effusion of Christian Blood, and to ease Her Subjects from the Heavy Burthen of their Taxes; the said Earl doth acknowledge, that he thought a Peace was very much for the Interest and Advantage of Great Britain: And in his humble Opinion, the most favourable Juncture for obtaining advantageous Terms of Peace, was immediately after the signal Victories, gained by Her Majesties Arms, in the Year 1706. For after the Reduction of the Dominions of the Electors of Bavaria and Cologne, with other important Conquests in Germany: After the intire Destruction of the Three Great Armies of France, in Flanders Spain and Piedmont: After the Allies had recover'd the Spanish Netherlands, Milan and other Territories in Italy, it might have been hoped, from the great Distress in which the Enemy then was, a just and reasonable Peace would have been obtained, since so much was at that time gained from the Enemy, and so much more, in all probability, would have been yielded by them, as would have fully answer'd the Ends of the Grand Alliance. Peace was at that time sought by the Enemy; and the said Earl, who had the Honour to be then one of her Majesties Principal Secretaries of State, owns he then advised the accepting of it. And he humbly begs leave to observe, That the War had been continued upon so unequal a Foot, that the Burthen of it Annually encreas'd, and at the time when these Proposals were made by France, was become almost insupportable. It had indeed been stipulated by the Grand Alliance, That the Allies should assist one another with all their Forces, according to a Specification to be agreed on in a particular Convention for that Purpose: But it doth not appear any such Convention was made, otherwise than as the House of Commons were inform'd by one of the Principal Secretaries of State to his late Majesty King William, That by the Proportion adjusted with the States, England was to furnish Two Parts of Five by Land, and the States the other Three; and England was to furnish Five Parts of Eight by Sea, and the States the other Three; But the States not always allowing themselves to be under an Obligation to furnish such Proportions, gave occasion to England's bearing an unequal Part in the War, with respect to the Allies. The States had that prudent Regard to the frugal ordering their Affairs, that they frequently insisted

sisted, they ought not to be pressed beyond their Ability, and made themselves the sole Judges of what came within the compass of it, and by that means avoided the supplying any Quota, or Proportion, which they thought improper for them to furnish. In the mean time the Charge of the War was greatly encreased upon the Subjects of *Great Britain*. In the Year 1702. it was under Four Millions, from thence it gradually increas'd till 1706, the Charge of which Year amounted to above Five Millions and a half, and still advancing till the Year 1711, it was then grown to near Seven Millions, and at the same time there was a Debt contracted, not provided for by Parliament, amounting to Seven or Eight Millions ; the very Interest of which, and other Debts, wherein the Nations was involved, amounted to Three Millions *per Annum* and the Revenues of *Great Britain* were under such Anticipations, that it was found difficult to raise above Two Millions and an half for the growing Service, to be paid within the compass of the Year. So that when the Duties and Difficulties upon Trade, and the continuance of the Taxes upon Land, which had lain so heavy above Twenty Years, are consider'd, the said Earl believes it could not be thought for the publick Interest to prolong the War, without an absolute Necessity.

During this time the States had manag'd with so good Oeconomy, that the said Earl had not heard of any additional Duty laid by them upon Trade from the Year 1702 to the Year 1711. What Acquisitions were made upon the Continent, during the Continuance of the War, tho' at the Expence of *British* Blood and Treasure, accrued to the Share of the Allies ; and the *Dutch* being under no Prohibition of Commerce with *France*, had a farther Advantage of the *British* Merchants, in respect to a free Trade. Altho' the Princes of the Empire were engaged by previous Treaties to furnish their Quota's to the common Cause, yet when they were often pressed to do it, they alledg'd in Excuse, That those Troops which they were obliged to furnish at their own Expence, were in the Pay of the Crown of *Great Britain*. The Emperor left it to her Majesty to provide for those Troops, which by the *Portugal* Treaty, in the Year 1703. he was to furnish The King of *Portugal* not only neglected the Proportion of 12,000 Foot and 3,000 Horse, which by the said Treaty he was

was to provide at his own Expence, but even refused to permit the 11,000 Foot and 2000 Horse, for which he had a Subsidy from her Majesty to be paid by Musters, according to an Article of that Treaty; and when pressed to furnish his full Number of Troops, alledged his Inability, for want of that part of the Subsidies which the States ought to have paid him. So that almost the whole Charge of the War in Spain was left upon Her Majesty, the States having sent few or no Troops thither after the Battle of Almanza; and all the other Allies being likewise defective in their Proportions.

This was the Condition of Affairs, with respect to the Charge of the War, nor did their appear from the then Situation of Affairs, any more promising Prospect, with regard to the Event: For altho' it had pleased God to bless Her Majesty's Arms with wonderful Success, at which the said Earl most sincerely rejoiced, yet it did not appear, that after the Year 1706, our Successes in other Parts had countervail'd our Losses in Spain; for after two great Battles, wherein we had been there defeated, after our Forces had been twice obliged to retire from Madrid, and after the taking the British Troops at Brihuega, the Recovery of Spain, (which was the main Article that retarded the Conclusion of the Peace at Gertrudenberg) seem'd almost desperate, especially since the French in the Year 1711. by their plentiful Vintage and Harvest, had well nigh recover'd the Effects of the Famine; and since some of the Allies at the same time made pressing Instances for recalling part of the Troops, as they had done frequently, during the Course of the War<sup>2</sup>; from whence it appears how just the Grounds were, upon which both Houses of Parliament represented to her Majesty, *That the War had been unequally carry'd on, and was at last become impracticable.* And the said Earl humbly hopes he shall not be thought to have design'd any Disservice to his Country, if in such Condition of Affairs he did not dissuade Her Majesty from hearkening to the Overtures of Peace, made to Her from France; or if during such Negotiations, he endeavour'd, by Corresponding, with her Majesty's Knowledge and Approbation, in any Courts concern'd therein, to rectifie any mistakes, or contribute in any Measure towards the Conclusion of a General Peace. But the said Earl believes, that in all the Negotiations towards

Such Peace, the Allies had such Knowledge and Communication of all the Measures therein taken by Her Majesty, as the Treaties Her Majesty was engag'd in, requir'd : That the Proposition transmitted from France, about April 1711, were immediately communicated to the Pensionary and Ministers of Holland. That her Majesty did at the same time assure them of her Resolution, to act in Concert with them, in making Peace as in making War. That when the States had expressed their Desires to be equal with those of Great Britain, for a general and lasting Peace, and had declar'd, That they were ready to join in proper Measures to procure it, and desir'd France might explain it self more particularly upon the Points contain'd in those Propositions ; her Majesty endeavour'd to obtain such Explanations, and afterwards communicated them to the States : And if her Majesty had thought it not expedient to proceed in the Method of a Preliminary Treaty, which had prov'd so ineffectual in the Years 1709 and 1710, but thought it might be sufficient to have Articles sign'd by a Minister of France, by his Sovereign's Command, to open Conferences for a Peace ; The said Earl humbly hopes, that this Proceeding, will be so far from being an unreasonable Deviation from the Methods of former Transactions in that kind, that it will be justify'd by many Precedents of such Treaties. The said Earl can affirm, that during the whole Negotiation, so far as he was concern'd, he acted with a sincere Intention, to obtain a General Peace for the Welfare and Honour of her Majesty and her Kingdoms, and such as might give *reasonable Satisfaction* to Her Allies ; and answer all the Obligations her Majesty was under, by any Treaties with any of the Confederates ; and is not conscious to himself, that he hath in any respect transgressed that Duty, which as a Privy Counsellor, or Officer of State, he did owe to her Majesty, or to the Publick. He is not insensible that many of the Articles, wherewith he stands charged, are complicated with such Circumstances, Aggravations and Inferences, as may render it difficult for him to acknowledge some Facts alledg'd, without acknowledging or seeming at least to acknowledge those Circumstances or Inferences. And as he is not conscious to himself of being guilty of any Crime he stands charg'd with, so he takes it to be agreeable to the

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common Course of Proceedings of this Nature, and to your Lordship's Justice, that he should not admit any Circumstances, which may tend to the Accusation of himself. He therefore begs leave that he may be allow'd to distinguish between the Facts themselves, and the Inferences drawn from them; and that whenever he acknowledges any Fact, he may not be understood to acknowledge those Consequences which are in the Articles deduc'd from it, unless it shall appear that the Consequence was the Aim and Design of the said Earl, or is the necessary Result of any Act he hath done.

### ARTICLE I.

**I**N answer to the first Article, the said Earl saith, That he always had the greatest Regard to the Honour and Safety of her late Majesty and her Kingdoms, to all the Engagements She was under to the Allies of this Nation, and to the common Liberties of Europe; That he never was devoted to the Interest or Service of the French King; That he is not conscious to himself of having acted, whilst he had the Honour to be Her late Majesty's High-Treasurer, or one of Her most Honourable Privy Council, contrary to his Oath, or in Violation of his Duty and Trust, or with Disregard to, much less Defiance of any Treaties in the said Article mentioned, of the Advices of Parliament, Her Majesty's Declarations from the Throne, or any mutual Assurances which had been made or renew'd between her Majesty and the States, to act in perfect Concert with each other in making Peace as in making War; And he utterly denies, that in or about the Months of July or August 1711. or at any other Time he did form any Contrivance or Confederacy to set on Foot a private, separate, dishonourable or destructive Negotiation of Peace between Great Britain and France, nor doth he know of any such Contrivance or Confederacy form'd by any of Her Majesty's Privy Council, or that such Negotiation was at any time set on foot. But the said Earl says, He does not believe that about the Month of April 1711. her late Majesty did receive from France some Proposals in order to set on foot a Treaty for a general Peace, sign'd by Monsieur de Torcy, Secretary of State to the most Christian King, which as he believes were immediately communicated by Her Ambassador in Holland to the States-General: Where-

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upon, as he has been inform'd, they thanked her Majesty for her Confidence in them, declar'd themselves to be weary of the War, and ready to join in any Measures her Majesty shoul d think proper for obtaining a good Peace, and that they hoped Her Majesty would bring the *French* to explain more particularly the several Points contain'd in the above-mention'd Proposals, or to that Effect ; and that after such Request Her Majesty sent *Matthew Prior*, Esq; to the Court of *France*, in order to obtain as full and ample an Explanation as he could of the first general Offers: But the said Earl denies, that he did advise Her Majesty to send the said Mr. *Prior* to the Court of *France*, to make Propositions of Peace, without communicating the same to Her Allies; or that the said Mr. *Prior* did by his Advice or Privity communicate any Propositions to the Ministers of *France*, wherein the Interests of *Great Britain*, or the common Interest of *Europe* were betray'd; nor doth the said Earl know, that the said Mr. *Prior* had any Power to communicate Propositions to the Ministers of *France*, which betray'd either the Interests of *Great Britain*, or the common Interest of *Europe*. Therefore the said Earl insists, that there is no Ground to charge him with the treacherous or pernicious Contrivances in this Article mention'd. And if any Article was inserted in any Propositions to be communicated by the said Mr. *Prior*, that the Secret should be inviolably kept till allow'd to be divulg'd by the mutual Consent of both Parties, yet the said Earl denies, that such Article was inserted by his Advice; and if any such there was, he cannot however believe it was design'd to exclude her Majesty's Allies from their just Share in the said Negotiations, and hopes he may be allow'd to observe, That in case any Instructions were given for not divulging Propositios which concern'd *Great Britain* in particular, the same were far from manifesting such Design as is before-mention'd, since it is well known to be the undoubted Right of every Member of a Confederacy to demand particular Advantages for themselves, not inconsitent with their Alliances, and which are not to take Place but on the conclusion of a General Peace. And it has been usual for those to whom the first Overtures of Peace are to be made, to make Demands for themselves in the First Place, as the States particulaaly did in the Negotiations at the *Hague*, in the Year

1709, and at *Gertruydenberg* in the Year 1710. And tho' he apprehends that an Agreement not to divulge the Propositions, without the mutual Consent of both Parties, could not be to the Prejudice of the Allies; yet he believes, that in order to prevent any unreasonable Jealousies among them, even those Propositions which related to *Great Britain* in particular, were communicated to them; and that it will likewise appear, That the Propositions, Sign'd by Mons. de *Torcy*, transmitted in the Month of April 1711, in the said Articles mentioned, whereby it is said, "The French King offered to Treat with the Plenipotentiaries of *England* or *Holland* Alone, or Jointly with those of the Allies, at the Choice of *England*," were Proposals relating only to the manner of Treating, when the Conferences should be opened; and that her Majesty was so far from taking upon Her to Treat Singly for the Allies, that she chose to have all the Parties admitted to the Congress, where they might have an opportunity of Treating and Adjusting their respective Interests; that being, in her Opinion, the fairest Method of proceeding, most Advantageous to the Confederates, and most likely to prevent Jealousies and Discords among them. And the said Earl saith, That he does not know that any Negotiations of Peace were Contriv'd, or set on Foot, by any Persons employ'd in her Majesty's Service, which were in any respect more Advantageous to *France*, than *France* had asked, or which had a tendency to give the Enemy a Power to create Misunderstandings between her Majesty and her Allies, or to destroy the Confidence between them.

#### ARTICLE II.

In answer to the Second Article, the said Earl saith, That he believes Monsieur *Mesnager*, a Subject of the French King, did sometime in the Year 1711. with Her Majesty's Leave, come into the Kingdom of *Great Britain*, and bring with him a Letter from the said French King to Her late Majesty, acknowledging Her Majesty Queen of *Great Britain*, and likewise expressing a desire to re establish Peace with Her, and that he was furnish'd with full Power from the said French King for that purpose. The said Earl further saith, That it hath been the usual and allow'd Practice in most Nations, especially in *England*, for Privy Counsellors by verbal Orders from the Sovereign to confer within the Realm with Ministers,

Ministers of Foreign Princes, and he conceives such Practice to be agreeable to the Laws of this Realm, and that full Powers are usually granted to Ministers who are sent abroad for the Justification of the Persons with whom they shall Treat, rather than to justify such Ministers themselves ; and the said Earl denies, that he did in the Month of September 1711. or at any other time secretly and unlawfully, or without Authority, confer or treat with the said Sieur Mesnager on the Negotiations of Peace between Great Britain and France, or that he did advise or promote the making a private and separate Treaty or Agreement between the said Crowns ; but he hath been inform'd, and doth believe, that there was a Paper stiled, *The Answer to the Preliminary Demands of Great Britain more particularly, Sign'd by Monsieur Mesnager only*, to which was subjoin'd a Declaration of the Queen's Acceptance of those Preliminary Articles, as Conditions his most Christian Majesty consented to grant, which were to be reduced into the usual Form of Treaties, and explain'd after the most clear and most intelligible manner, to the common Satisfaction of Great Britain and France, and this only in Case of a General Peace : And this Declaration or some other Declaration to the like Effect, he believes might be sign'd by the Lord Dartmouth and Mr. Secretary St. John, as in the said Articles is set forth. But the said Earl must crave leave to submit it to the Judgment of your Lordships, whether a Paper of that sort (if any such there was) containing Offers from France, which were not to take Effect but in case of a General Peace, can be called a Separate Treaty ; he believes the Allies had early Knowledge and Participation of the said Proposals, from the Ministers of Great Britain, but denies that the Interest of Great Britain were thereby given up to France, or the Duke of Anjou admitted to be King of Spain, since in the Declaration annexed to the said Proposal, he believes it is expressed, that Her Majesty might in Justice expect the Securities and Advantages mention'd in those Proposals, what Prince soever he should be to whom the Monarchy of Spain should be allotted ; and the said Earl, recollecting as well as he can what were Her Majesty's Views at that Time, is persuaded that Her Majesty had then a Prospect, that the Monarchy of Spain would fall to the Share of another Prince. The said

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Earl denies, That by his Privity, Consent, or Advice, any Private or Separate Treaty or Agreement, whereby the Interests of Great Britain were given up to France, or the Duke of Anjou was admitted to be King of Spain, was agreed, concluded, or sign'd, by the said Sieur Mesnager on the part of France, and by the said Lord Dartmouth and Henry St. John, or either of them, in behalf of Her Late Majesty; much less did the said Earl, at any Time, assume to himself Regal Power, or take upon him to meet and treat with the Enemy, without Authority from Her Majesty, or do any thing to subvert the ancient and establish'd Constitutions of the Government of these Kingdoms, or introduce any Illegal or Dangerous Methods of transacting the Affairs of State. And the said Earl further saith, That he did never aim at, or endeavour, by any separate Treaty, to dissolve or cancel any of those solemn Treaties, in which Her Majesty stood engag'd to her Allies, nor was he privy to any Treaty, whereby the Queen was brought under a Dilemma, either to submit to the Dictates of France in the Progress of such Negotiation, or to lose the Confidence of her Allies.

### ARTICLE III.

In Answer to the Third Article, the said Earl denies, That to disguise or carry on any Private, Separate, or Dangerous Negotiations, he did contrive or advise the Preparing and Forming the Set of General Preliminaries in the Article mentioned, intitled, *Preliminary Articles on the part of France, to come to a General Peace*; or any other Set of General Preliminaries of like Nature; or that the same should be sign'd by the Sieur Mesnager; or that he did advise Her Sacred Majesty, that the same should be receiv'd by Her Majesty: But the said Earl hath been inform'd, that certain Articles call'd, *Preliminary Articles on the part of France, to come to a General Peace*, sign'd by the Sieur Mesnager only, were received by Her Majesty; and believes the same might be communicated to the Ministers of the Allies then residing in England, as a Ground whereon the Confederates might treat or negotiate, concerning a General Peace; but whether the same were communicated as the only Transactions that had been on that Subject, between Great Britain and France, the said Earl knows not: But since it is term'd Impious Advice, and contrary to the Duty and Trust of a Minister of Great Britain, to advise

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the Receiving such Articles ; the said Earl, from his Concern for the Honour of Her Late Majesty's Administration, and the future Welfare of these Kingdoms, doth submit, Whether it is criminal for such Minister to advise the Receiving Articles from a Minister of a Prince in War, containing Proposals for giving Reasonable Satisfaction to *Great Britain* and all her Allies, and which being sign'd by the Minister of that Prince only, were not intended to bind any other : And since Preliminary Articles are no Essential Step towards a General Negotiation, there being, as he believes, but few Instances where any Matters of Importance have been settled before the Opening of General Conferences. The said Earl does not conceive, That if any Minister of State had advis'd Her Majesty to accept the Preliminaries or Offers of *France*, said to be sign'd by Monsieur *Mesnager* the 27th of September 1711, as the Foundation of a Treaty, he had thereby offended against any known Law, since the Proceedings upon such Preliminaries could not be more unsafe than proceeding without any at all. The said Earl denies, That any Treaty sign'd by the Earl of *Dartmouth* or Mr. *St. John*, or either of them, on the part of *England*, and the Sieur *Mesnager* on the part of *France* (if any such there be) was industriously conceal'd from the Allies, Her Majesty's Council, or Parliament, by his Advice or Contrivance ; or that he dissuaded Her Majesty from laying any such Treaty before her Allies, her Council, or Parliament ; or that he advis'd Her Majesty to receive the said General Preliminaries, or to communicate the same in her Name, or by her Authority, to the States General, as a sufficient Foundation whereon to open the Conferences of Peace with *France*. The said Earl hath been inform'd, and doth believe, That there were certain Instructions prepared and sign'd by Her Majesty, and deliver'd to the Earl of *Strafford*, Her Majesty's Ambassador to the States General, wherein the said Ambassador might be directed to represent to the Pensionary of *Holland*, and such others as should be appointed to confer with him in such manner as is set forth in this Article, or to the like effect ; but he denies that the said Instructions were prepar'd, sign'd, or deliver'd by his Advice : Nevertheless the said Earl believes, the said Instructions were well warranted by the Truth of such Facts as in the said Article are set forth to be contained in those Instructions,

structions, since the said Earl hath had credible Information, that after Her Majesty had receiv'd an Account of the Sense of some Persons in *Holland*, concerning the Overtures made by *France*, for the setting a General Negotiation of Peace on Foot, very pressing Instances were made on Her Majesty's Behalf, with the Enemy, to explain the first Offers made by Monsieur *de Torcy*, more particularly, and to form a distinct Project of such a Peace as they were willing to conclude : And that such Instances had effect, will appear from the Preliminaries, said to be sign'd by Monsieur *Mesnager*, September the 27th 1711, wherein several Explications are made, and many Particulars of moment are contain'd, which were not in the Propositions of Monsieur *de Torcy*; wherefore the said Earl apprehends, that the Propositions said in this Article to be sent over to *France* (if any such were sent) were not so General as the Propositions of Monsieur *de Torcy*, nor in any respect ensnaring, or destructive to the Interests of *Great Britain* or the Allies : But yet the said Earl believes that Her Majesty, at the same Time she did communicate the said Preliminaries to the States General, did likewise order her Ambassador to acquaint them, That she judg'd those Articles did not contain such particular Concessions as *France* would probably be oblig'd to make in the Course of the Negotiations, or to that effect. If therefore Her Majesty did, for the Good and Ease of her People, endeavour to prevail with her Allies to enter into a Negotiation of Peace, and did communicate the said Preliminaries to them, with that View, the said Earl cannot be induc'd to believe, that the said General Preliminaries, communicated to the States by Her Majesty in manner aforesaid, were calculated to amuse or deceive them ; nor doth the said Earl know or believe, that Her Majesty's Instructions to her said Ambassador, either in the Particulars aforesaid, or in any other, contain'd Matters False, Prevaricating, or Evasive. And the said Earl must take the Liberty to affirm, That in the Late Negotiations of Peace, as well as in all other Publick Transactions of State, as far as he was concerned, he acted with the highest Regard to the Honour of Her Majesty, and with the utmost Zeal for the Welfare both of her and her People, and is not conscious to himself that he ever gave any Counsels, whereby the Truth and Sacredness which ought to constitute and accompany the

Instructions of Publick Ambassadors to Princes in Friendship and Confederacy, against the Common Enemy, were in any wise prostituted, or the Honour of Her Majesty and of the Imperial Crown of these Realms, in any sort, debas'd or betray'd ; and he humbly hopes no Instance can be given, wherein the Royal Hand of Her Late Majesty was made the Instrument to advance the Interest of the common Enemy.

#### ARTICLE IV.

In Answer to the Fourth Article, the said Earl doth not remember what Representations were made by Mr. *Buys* to Her Majesty, in relation to the Propositions in the said Article mention'd, but saith, That if any Representations were made, the same wert not render'd ineffectual by any Influence of the said Earl ; and the said Earl doth admit, that at a Committee of Council there might be made some Declaration in Her Majesty's Name, to Mr. *Buys*, to the effect in the said Article mention'd, but doth not admit that any such Declaration was made by him the said Earl, or by his Management or Contrivance. And the said Earl believes, that what was so declar'd to the said Mr. *Buys* was agreeable to Truth, and to the real Sentiments and Intentions of Her Majesty, nor doth he know wherein the said Articles sign'd by Mr. *Mesnager*, and accepted by the Lord *Dartmouth* and Mr. *St. John*, if any such were then sign'd, were inconsistent with such Declaration, or how Her Majesty was thereby dishonour'd, or her Allies abus'd, or that any Negotiation enter'd into with *France*, was either dangerous to it self, or fatal in its Consequences.

#### ARTICLE V.

In Answer to the Fifth Article, the said Earl admits, That Her Majesty Queen *ANNE* did, in due Form of Law, and under her Great Seal, constitute the Right Reverend *John* Lord Bishop of *Bristol*, and the Earl of *Strafford*, her Plenipotentiaries, with full Power to meet, treat, and conclude with the Plenipotentiaries of the Confederates, and those whom the French King should on his part depute for that Purpose, the Conditions of a Good and General Peace, that should be safe, honourable, and, as far as was possible, agreeable to the reasonable Demands of all Parties, and believes Instructions were prepar'd and deliver'd to them, wherein they were instructed, amongst other things, to the effect

effect in the said Article set forth ; and is firmly persuaded, that when the said Plenipotentiaries were so instructed to insist that *Spain* and the *West Indies* should not be allotted to the House of *Bourbon*, no Treaty had been negotiated and agreed, that *Spain* and the *West Indies* should remain in a Branch of that House ; and he has reason to believe, that at the Time when the said Instructions were given to Her Majesty's said Plenipotentiaries, there was just Ground to believe, that King *Philip* would be induc'd to abandon *Spain* and the *West Indies*, and content himself with the Dominions of *Savoy*, and the Kingdom of *Sicily* ; and he believes he may so far depend on his Memory, as to say, That he heard the Late Queen declare, *She believed the Prospect King Philip had of succeeding to the Crown of France, would be an Inducement to him to be easy with that Allotment* : And it seem'd probable, that the Addition of the Dominions of *Savoy* to the Crown of *France*, in case King *Philip* should succeed to it, would be esteem'd by the *French* Court as a thing more to be desir'd by them, than that *Spain* and the *Indies* should remain in the Possession of a Younger Prince of the House of *Bourbon*, under the Condition of his renouncing the Right he would have to the Crown of *France*, if the Eldest Branch should fail. These seem to him to have been Her Majesty's Views at the Time when the said Instructions were given to the Bishop of *Bristol* and the Earl of *Strafford* ; and he therefore believes, that whoever contrived or prepared the same, did prepare them conformable to Her Majesty's real Sentiments, and was far from any Thought or Design to abuse the Royal Authority, delude the States General, prejudice His Imperial Majesty, or any of the Allies, or carry on the Measures of *France* ; and if King *Philip* afterwards, upon Information that the then *Dauphin* was likely to live, or at the pressing Instances of the *Spaniards*, and Influence of *Spanish* Councils, or upon any other Motives, refused to accept of *Savoy* and *Sicily*, and chose rather to renounce the *French* Monarchy ; he thinks no Person who acts in the Service of the Crown can be safe, if it may be charg'd on him as a Crime, that he advised Instructions, which, by intervening Circumstances afterwards, became improper. But he the said Earl doth not admit, that he contrived or prepared the said Instructions, or was consenting or advising to the Contriving or Preparing of

them, or prevail'd on Her Majesty to sign them; much less that he abused the Royal Authority, to the Delusion of the States General, or intended the Prejudice of His Imperial Majesty of any of the Allies, or was engag'd to carry on the Measures of France, or had, when the said Instructions were prepared, negotiated, and agreed with the Ministers of France, that Spain and the West Indies should remain in a Branch of the House of Bourbon, or had prevail'd on Her Majesty to be Party to any Private Treaty, wherein the same was necessarily imply'd. If the Plenipotentiaries were instructed, that in case the Enemy should object, that the Second Article of the Seven, sign'd by Monsieur Mesnager, imply'd the Duke of Anjou should continue on the Throne of Spain, to insist that those Articles were binding to France, but laid neither the Queen nor her Allies under any Obligation, the said Earl does not apprehend how an Instruction to Her Majesty's Plenipotentiaries, to make a Just Answer to a False Inference, that might happen to be drawn by the Enemy from the Words of such an Article, can be interpreted an Entering into a Confederacy, or Collusion, with the Ministers of the Enemy; or that Her Majesty's Consent to such Instructions could imply any Design to impose on His Imperial Majesty or the Allies, or to conceal any Negotiations between Great Britain and France. But the said Earl is confident it will not appear by any of his Action, on the strictest Scrutiny, that he ever enter'd into any Confederacy or Collusion with the Ministers of the Enemy, or prevail'd on the Queen to give her Consent thereto, or had any Designs to impose upon His Imperial Majesty or any of the Allies, or ever was privy to any Secret Negotiations or Separate Treaty between Great Britain and France, whereby either in the beforemention'd, or any other Particulars, any Reproach could be brought on the Crown of these Realms, or any Treaties wherein Her Majesty was engag'd to her Allies, were violated.

#### ARTICLE VI.

In Answer to the Sixth Article, the said Earl does admit, That after the Conferences of Peace between the Plenipotentiaries of the Allies, and those of the Enemy, for negotiating a General Peace, were opened, wherein he is persuaded Her Majesty and her Ministers did act in perfect Confidence, with

with the Allies, and to promote the Common Interest, and to obtain from the Enemy all Just and Reasonable Satisfaction; the Progress of the said Negotiation was delay'd by Debates, concerning the Enemy's Refusal to give their Answer in Writing, to the Demands of the Allies; but he doth not know that any of the Ministers of *Great Britain* did, by any Encouragement or Concurrence, contribute thereunto: And if during that Time, Her Majesty thought fit to authorize any of her Ministers to write or negotiate upon Particular Points relating to the Peace, directly from *England* to *France*, in order to facilitate the General Negotiation of Peace, which he the said Earl doth not admit to have been done by his Privy; yet he the said Earl doth not apprehend, that by the Constitution of the Kingdom, or any Law in being, the Queen was debarr'd from doing so; or that by constituting the said Plenipotentiaries, she had so far delegated to them her Royal Authority, as to be disabled, without revoking their Commission, to treat or negotiate any Matters conducing to that End, in such other manner as she should think fit. The said Earl saith, That he did not advise, contrive, or promote any Private, Separate, or Unjustifiable Negotiation with *France*, nor doth he know any Negotiation, relating to the Peace, was carry'd on, without Communication thereof to the Allies. And the said Earl denies that he ever assum'd Regal Authority, or that he treated of Peace with *France* in any manner that could be liable to such Imputation, or did promote the Design of the Enemy, to the Destruction of the common Cause of Her Majesty, or of her Allies, contrary to the Laws or Constitution of this Kingdom, or in Violation of any of the Alliances Her Majesty stood engag'd in, or of the Assurances given by Her Majesty, or of her Instructions to her Plenipotentiaries; or that any Terms of Peace were, by him, at any Time concerted, prejudicial to the Interest of Her Majesty, or her Kingdoms, or Allies, or whereby the Good Effects of the General Negotiation were defeated.

#### ARTICLE VII.

In Answer to the Seventh Article, the said Earl saith, That he never advised Her Late Majesty to accept of a Treaty with *France*, on a Supposition that the Spanish Monarchy should continue in the Possession of a Branch of the House of *Bouillon*;

Bourbon ; nor did he advise, or carry on any Private or Separate Negotiation with France, on the Subject of a Renunciation to be made by the Duke of Anjou, of the Right he might have to the Kingdom of France, or that such Renunciation should be the Security against the Re-union of the Two Kingdoms: Or that, by his Councils, Her Majesty was prevail'd upon to accept, and finally to conclude and ratify a Treaty of Peace with France, wherein the said Renunciation is taken as a sufficient Expedient to prevent the Mischiefs that threaten'd all Europe, in case the Crowns of France and Spain should be united upon the Head of one and the same Person: Nor doth he know, that, during the said Negotiation, any such Memorial, as in the said Article is set forth, was transmitted by the said Monsieur de Torey to any of Her Majesty's Principal Secretaries of State : But he the said Earl doth freely acknowledge, that if he had been call'd upon to give his Opinion concerning the Leaving of Spain and the Indies in the Possession of a Branch of the House of Bourbon, and accepting the Renunciation of his Right to the Kingdom of France, by the Duke of Anjou, he doth at present see any reason why he might not have been of Opinion for leaving Spain and the West Indies to the present Possessor, and accepting the Renunciation, rather than have continued the War, so burthensome to the People, and so impracticable upon the Foot on which it then stood, especially since all Endeavours to remove him by Treaties or Force, had so long prov'd ineffectual. And in case any such Memorial, as is set forth in the said Article, was sent by any Minister of France to the Secretary of the Late Queen, he should look upon the same as a Proof of the Earnestness of the Court of France to avoid such Renunciation, which might more effectually prevent all Possibility of annexing the Crown of Spain to that of France. But whatever Inducements might be for such a Memorial (if any such was transmitted) the laid Earl doth affirm, that he never gave any Councils, by which the Interest of the common Cause could be betray'd into the Hands of the Enemy ; nor doth he think it was possible, by any Power or Influence, to engage Her Majesty to become Party with France in any Deceit ; but whatever Credit he at any Time had by her Favour, he always used it, with the utmost Sincerity, for her Service, and the Good of her People.

## ARTICLE VIII.

In Answer to the Eighth Article, the said Earl believes, That Her Late Majesty Queen *ANNE* did, on the 7th Day of December, in the Year of our Lord 1711, recommend it from the Throne, *That Provision might be made for an early Campaign, in order to carry on the War with Vigour, and as the best Way to render the Treaty of Peace effectual;* and he does believe, that, in order thereto, Supplies were granted and Magazines provided, at a great Expence, for an early Campaign, and that, in pursuance thereof, Her Majesty might send some General Officers to explain her Intentions to her Allies; and likewise instructed her General, the Duke of *Ormonde*, to declare her Resolutions of carrying on the War, and to concert, with the Generals of the Allies, the proper Measures for ent'ring upon Action; and he doth believe, that the Confederate Army was provided with all Necessaries; but whether the said Army had approach'd, or how near they had approach'd to the Enemy; whether they had any, or what Superiority, as to the Number of Troops, or what Likelihood there was, that they would have been able, either by Battel or Siege, to have better'd the Affairs of the Allies, or to have facilitated the Negotiations of Peace, the said Earl is not able to say; but it must be obvious to every one, that any Miscarriage or Disaster, on the part of the Allies, at such a Juncture, must have been fatal to them: And though the Divine Assistance had been very Remarkable in the many Victories her Majesty's Forces had obtain'd, yet Her Majesty's Piety was so great, that it is not likely she should, without the greatest Necessity, have been willing to have tempted That Providence Which had been so Signal in her Favour, by hazarding the Blood of her Subjects, at a Time when she had so near a Prospect of the Conclusion of a Peace; and the said Earl believes it might be owing to this Piety of the Queen, and her Knowledge of some important Matters then depending, that Directions were sent to the Duke of *Ormonde* (if any such were sent) to avoid engaging in any Siege, or hazarding any Battel, till further Orders; which he supposeth Her Majesty might do upon any Causes she thought proper, as well as the Deputies of the States, who, as the said Earl hath been inform'd, have often refus'd to engage in Siege or Battel, upon such Ground as they alone thought fit, when their own Generals,

Generals, and the Generals of the other Allies, were of Opinion, they had a visible Advantage of the Enemy, and might engage in such a Siege or Battel, with great Probabilty of Success: But he doth affirm, That the Ministers of *France* never represented to him, or to any others, as far as he knows, during any Negotiation, any Apprehensions they had from the Bravery and good Disposition of the Confederate Army; nor was he ever inform'd of any sure Prospect, which it is alledg'd, the Army of the Confederates then had, of gaining New Conquests over the Army of *France*, or whereby they would have been enabled to have forced any Better Terms of Peace than there was at that Time Likelihood of: But, on the contrary, he has been inform'd, that the Forces of *France* were superior in Number to those of the Confederates, especially in Horse. However, the said Earl doth not admit that he did advise or consent that any Order should be dispatch'd, in Her Majesty's Name, to the Duke of *Ormonde* to the aforementioned effect; nor had he any View or Design to disappoint the Expectation of the Allies, or to give Success to any Secret Negotiations with the Ministers of *France*. The said Earl likewife denies, that he did consent or advise, that Orders should be sent to the Bishop of *Bristol*, one of Her Majesty's Plenipotentiaries then at *Utrecht*, to declare to the Dutch Ministers, That Her Majesty look'd on her self, from their Conduct, to be then under no Obligation whatsoever to them; he doth not know what Alarms the Allies might take, or what Representations they made to the Bishop of *Bristol*, of their Dissatisfaction, or Consternation, but doubts not the said Bishop would readily represent what they desir'd, tho' such Representation made by His Lordship, if any such there was, fell not under the Knowledge of the said Earl, nor doth he admit that any Application of that kind was made to him. And in case the States General made such Address directly to Her Majesty, by a Letter of the 5th Day of June, as in the said Article is set forth; he the said Earl not being acquainted therewith, could neither advise Her Majesty to hearken to the Instances therein made, nor to disregard, or to reject the same. He saith, He never enter'd into Measures for the Advancement of the Interest of the common Enemy, or countenanc'd, encourag'd, advis'd, or promoted any Negotiations with *France*, without Participation of the Allies,

Allies, or contrary to Her Majesty's Engagement, or to the Ruin of the common Cause ; nor is he conscious to himself, that he ever gave any Councils, by which the Progress of the victorious Arms of the Confederates was stopped, or any Opportunity lost for conquering the Enemy, or which had any Tendency to destroy the Confidence between Her Majesty and her Allies, or make the French King Master of the Negotiations of Peace, or which could put the Affairs of Europe into his Hands.

## ARTICLE IX.

In Answer to the Ninth Article, The said Earl denies he was privy, or consenting to any Concert with the Ministers of France, for the separating the Troops in Her Majesty's Pay from the rest of the Confederate Army ; and not being privy to any such Concert, he hopes it will not be imputed to him as any Want of Duty, that he did not advise against such a Proceeding. He denies also, that he ever entertain'd the least Design of imposing upon the Allies any Necessity of submitting to the Terms of France, or of leaving the Confederate Army to the Mercy of the Enemy, or that he did consent or advise Her Majesty, that the Duke of Ormonde and the Troops in Her Majesty's Pay, or such of them as would obey his Orders, should separate themselves from the Army of the Confederates. The said Earl hath been informed, and believes it to be true, that the Imperial General and some other Generals, did propose to the Duke of Ormonde, in June or July, in the Year 1712, to decamp from the Ground where they lay, and to proceed towards Landrecy, in order to form the Siege of that Place, and that the Duke of Ormonde thought it not proper to consent thereto, and gave Notice to the laid Generals, that if they decamped, they must not expect him to follow them : And the said Earl believes Instances may be given, where Generals of other Potentates in the Alliance, have refused to comply with what has been proposed to them by Her Late Majesty's General. The said Earl hath likewise heard, that notwithstanding such Notice from the Duke of Ormonde, the said Generals separated themselves and their Forces from the said Duke, and marched towards Landrecy without him, and that the said Duke continued for some Time in his former Camp, after such Separation ; and that the Generals of the Auxiliary Troops paid by Her Maj-  
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ity, altho' requir'd by the said Duke of *Ormonde*, under whose Command they then were, to continue with him, and to obey his Orders, refus'd so to do: He the said Earl supposes it might proceed from Her Majesty's Resentment of that Instance of Disobedience in the Auxiliary Troops, to the Commands of her General, that she did not think fit immediate!y to pay the Arrears of those Forces, which had so obstinately withdrawn themselves from her General, and marched without him towards *Landrecy*, as not apprehend-ing her self obliged by any Conventions, or the Provision of any Act of Parliament, so to do. But whatever might be the Causes or Occasions of Her Majesty's Resentment, the said Earl saith, That he being in the Office of High Treasurer un-der Her Majesty, could not, by the Duty of his Place, issue out any Monies, without a proper Warrant or Authority from Her Majesty; and denies that ever he received any Warrant or Authority from Her Majesty, for issuing any Sum or Suuns of Money, for or towards the Pay or Subsidies, on account of the said Foreign Troops, who had so separated, without which, the Issuing or Directing any Monies for the Payment of them, had been a Violation of his Duty. And the said Earl denies, that he did at any time refuse or put a stop to any such Pay or Subsidies; but, on the contrary, when the Ministers of the Princes to whom those Forces be-long'd, did apply for the Payment of the said Troops, the said Earl desir'd them to make Application to Her Majesty, for the necessary Warrants in order thereunto: And as the said Earl had no Notice of any Separation intended between Her Majesty's Forces and those of the Allies, before the same was made, so he absolutely denies, that, by his Advice or Council, or with his Privity, any such Separation was made: And humbly apprehends, that he ought not in Justice to be charged with any Consequences of it. He believes, that the Forces of some of the Allies were engaged in the unfortunate Action of *Denain*, and that the Siege of *Landrecy* was rais'd, and the Towns of *Quesnoy*, *Bouchain*, and *Donay* were some-time after retaken by the French Army: But whether those Disasters might not have been prevented, by a Compliance with the Measures Her Majesty had taken for the Common Good, the said Earl submits to Your Lordships.

## A R T I C L E X.

In Answer to the Tenth Article, the said Earl denies, that he did carry on, or concert with the Ministers of France, a Private or Separate Negotiation for a general Suspension by Sea and Land, between *Great Britain* and *France*; or that he did advise Her Maj. to send over *Hen. Visq. Bolingbroke* to the Court of *France*, with Powers to settle such Suspension; but hath been informed, and believes it may be true, that about the 19th of *August*, N. S. 1712, a Suspension of Arms was agreed on in *France*, by the said Viscount *Bolingbroke*, on Her Majesty's part, for Four Months; but whether such Agreement was made without the Knowledge or Participation of Her Majesty's Allies, or how far the Terms of Peace were then settled with *France*, either for *Great Britain* or the Allies, the said Earl is not able to set forth; But from the Informations he hath received of that Affair, believes it will appear, that the said Suspension was a Continuation only of a former Agreement for a Cessation of Arms, which had been not only communicated to the Allies, but into which they had been invited; and believes, Her Majesty might be induced to desire such Cessation, as what was usual among Princes and States in War, during Negotiations of Peace, by which means the British Merchants enjoy'd a free Trade, and had an Opportunity of carrying the Merchandizes of other Countries to several Parts of *Europe*, as the *Dutch* had done during the War; and therefore the said Earl doth not conceive that Her Majesty, by the said Suspension, did in the least intend the Violation of any Treaties between her and her Allies, or to deprive them of any Assistance to which they were intitled, or to expose them to the Insults of the common Enemy: Nor doth he discern how these Consequences could ensue, without the Default of the Allies themselves, much less how the Ties of Union and Friendship, between Her Majesty and them, were cut asunder, or Her Majesty's Person or Government, or the Safety of her Kingdoms, or the Protestant Succession, were expos'd thereby. But the said Earl assures himself, that he shall never stand chargeable with any Consequences of such Suspension, which he never advis'd; nor did he the said Earl ever entertain the least Thought or Design of occasioning the Destruction of the common Cause of *Europe*, or hind'ring Her Majesty from resuming the War against

France, in Conjunction with her Allies, if it had been so thought fit, or of weak'ning the Union between Her Majesty and them.

### A R T I C L E XI.

In Answer to the eleventh Article, the said Earl saith, he believes it to be true, That in or about the Month of September or October 1712, the States-General were in Possession of the Town and Fortress of *Tournay*; and that Her Majesty, in Her Instructions of December the 23d 1711, to Her Plenipotentiaries at *Utrecht*, did direct them to insist with the Plenipotentiaries of *France*, in the General Congress, that towards forming a Barrier for the States-General, *Tournay* should remain to the States; and doth believe the French King did, at one Time, incline thereunto: But doth not know that her Majesty, in her Speech, in the said Article mentioned, did declare her Self as in the said Article set forth. The said Earl admits, That until and after the Months of September and October 1711, there was open War between her late Majesty and the French King; and that during such War, the French King and his Subjects were Enemies to the late Queen; but the said Earl hath been inform'd, and believes, That full Powers were given by her Majesty, and the States-General of the United Provinces, to their respective Ministers, and by the French King to his Ministers, to negotiate and treat of Peace between her Majesty, and the States General, and the said French King; upon which Negotiations, a Peace was afterwards concluded between them; during which Negotiations he hath heard, That the French King did insist upon the yielding up the Town and Fortress of *Tournay*, by the States, to him; and the said States General desir'd her Majesty's Interposition with the French King on their Behalf; and that at such Request, her Majesty interpos'd her best Offices, on Behalf of the States General, and did at last prevail, that the said Town and Fortress of *Tournay* should be, and he believes the same is continu'd to the States-General, as Part of their Barrier. But the said Earl absolutely denies, That he did design to give Aid, or Succour, or to adhere to the French King; or, That he did in or about the Month of October 1712, or at any other Time during the said War, Aid, Help, or Assist, or adhere to the said French King; or, That he did

did ever Council or Advise the said Enemy in what Manner or by what Methods the said Town and Fortress of *Tournay*, or either of them, might be gain'd from the States-General to the French King, in Manner and Form as in the said Article is charg'd. On the contrary, he the said Earl did use his best Offices to preserve the said Town and Fortress of *Tournay*, to the States General. But the said Earl saith, That during the Negotiations of the late Peace, he had the Honour to be one of her said late Majesty's Privy-Council ; and whatsoever Council or Advice he gave, relating to any Terms of the said Peace, he acted therein as a Privy Councillor and Minister of State, and no otherwise : And doth insist, That for any Privy-Councillor, or Minister of State, during the Negotiations of Peace, to treat, advise, or negotiate, concerning the yielding or giving up any Town, Province, or Dominion, upon the Conclusion of the Peace, as Part of the Terms and Conditions of such Peace, is not High Treason by Law of this Realm ; and that such Construction might hereafter deprive the Crown of the Advice and Assistance of several Members of the Privy-Council, in Matters of the greatest Importance, by deterring them from giving such Advice, as by their Oaths, and the Duty of their Place, they are oblig'd to do ; would overthrow all Means of restoring Amity between Princes, and render the Law, in Case of High Treason, uncertain, which, by Reason of its being most Penal, ought to be most Plain, and would be highly dangerous and destructive to the Lives and Liberties of the Subject.

## ARTICLE XII.

In Answer to the twelfth Article, the said Earl not admitting that her late Majesty Queen *ANNE*, stood engag'd by Treaties in Manner as in the said Article is alledg'd ; but referring himself to the Treaties, when they shall be produc'd, for Answer, denies, That he did, in any of the Years 1710, 1711, and 1712, or at any other Time, Aid, Help, Assist, or Adhere to the Duke of *Anjou*, in the said Article nam'd, or Advise or Council any of the Enemies of her said late Majesty, or Concert with any of them, or promote the yielding or giving up of *Spain* and the *West-Indies*, or any Part thereof to the said Duke of *Anjou*, in Manner and Form, as in the said Article is alledg'd. And the

the said Earl saith, as in his Answer to the eleventh Article he hath already said, That during the Negotiations of the late Peace, he had the Honour to be one of her said late Majesty's Privy-Council, and whatever Council or Advice he gave, relating to any Terms of the said Peace, he acted therein as a Privy Councillor, and Minister of State, and no otherwise; and insists as in his Answer to the eleventh Article he has insisted.

### ARTICLE XIII.

In Answer to the thirteenth Article, The said Earl admits that the flourishing Condition of Trade and Navigation contributes much to the Riches, Power, and Strength of these Kingdoms; and believes that her late Majesty had a just Regard thereto, and a sincere Desire to obtain some Advantages therein for her People; and did make the several Declarations from the Throne, set forth in this Article: And that both Houses of Parliament did from Time to Time express their greatful Acknowledgments to her Majesty, for her great Care and Concern for the Welfare of her People; and believes her Majesty might think it reasonable, considering the Share and Burthen she and her People had sustain'd in the War, that *France* should in the first Place adjust the Interests of *Great Britain*, which were to be secur'd on the Conclusion of a General Peace: But the said Earl doth not know, or believe, that at the setting on Foot, or in the Progress of any Negotiation, between the Ministers of *Great Britain* and *France*, it was laid down as a Principle, that *France* should in the first Place consent to adjust the Interests of *Great Britain*, to the Intent that the Ministers of *Great Britain* might thereby be enabled to engage the Queen to make the Conclusion of the Peace easy to *France*; nor doth he know that any Concessions were made by the Ministers of *Great Britain*, with Intent to promote the Interests of *France* against the Allies; or that any Measures were enter'd into, or concerted between them, in order to strengthen the Hands of the *French*, or to enable them to impose the Terms of a General Peace. And the said Earl doth absolutely deny, That he was enag'd in Concert with *France*, in any Negotiations destructive to his Country, or that he ever had the least Imagination or Thought tending that Way, or to the sacrificing the Commerce.

merce of Great Britain to the aggrandizement of France; but, on the contrary, he hath always had the most real and sincere Desires, to secure and advance the Commerce of Great Britain, and to preserve his Country, in whose Service he hath been always ready to sacrifice himself, and every private Interest whatsoever. And the said E. is not conscious to himself of any Want of Duty, either in not insisting upon, or not procuring the most certain Securities that could be obtain'd for the Safety and Advantage of the Commerce of these Kingdoms. And the said Earl doth not admit, that he did advise her late Majesty, that any Proposition should be sent by Mr. Prior to France; or that any private or separate Treaty, or the preliminary Articles, which are said to be sign'd the 27th of September 1711, should be sign'd. But the said Earl hath been inform'd, and believes, that in a Paper intituled, *The Answer of France to the Demands of Great Britain*, more particularly, it is said, That the entire Restitution of Newfoundland, and of the Bay and Streights of Hudson, was demanded for the English: And that the French King's Answer was, That the Discussion of that Article should be referred to the General Conferences of the Peace, provided the Liberty of fishing and drying of Cod-fish upon the Isle of Newfoundland, should be reserv'd to the French. And the said Earl conceives that Paper not conclusive, but was to be the Subject of future Conferences, wherein the whole Matter might be entirely consider'd; and consequently that the entering into Conferences on that Paper, was not the yielding to the French the Liberty of fishing, and drying Fish on Newfoundland, which they insisted on. And the said Earl denies, That he advis'd the Demands for Great Britain, in Point of Commerce, should be made in loose, general, or insufficient Terms; or that he advis'd the Liberties insisted on by the French, should be given up to France, as in the said Article is alledg'd: And he believes, that when it is consider'd what Advantages were likely to ensue to the Commerce of Great Britain, by the *Assiento Contract*, and the liberty of trading to the *Spanish West Indies*, by the Cession of *Accadia*, the Bay and Streights of *Hudson*, the Island of *St. Christopher*, *Newfoundland*, the Island of *St. Peter*, with other adjacent Islands; by the demolition of *Dunkirk*, and the Cession of *Port-Mahon* and *Gibraltar*, it will not be thought the Com-  
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merce of Great Britain was neglected by her Majesty, in the late Treaty of Peace. And as the said Earl doth not know that France was at any Time Master of the Negotiations, so he denies that he did engage Her Majesty in any private Treaties with France, without Security for the Commerce of Great Britain ; or that he did contrive, with any of the Ministers of France, to keep in Suspence any Matters that concern'd the said Commerce ; or that he was any ways instrumental to the preventing any Advantages of the said Commerce from being settled ; or that he endeavonr'd to elude any thing that had been agreed on in any Negotiation for the Benefit of Great Britain. And altho' the said Earl doth not admit, that he advised the Ninth Article of the Treaty of Commerce with France, yet he begs Leave to observe, that nothing is positively stipulated in that Article, but the whole is conditional, and left to be determined by the Wisdom of Parliament ; and hopes it will never be thought an Act of Treachery, to refer an Article of any Treaty to the Judgment and Consideration of Parliament, whatever Judgment the Parliament shall think fit to make thereon. And the said Earl denies, that he advised Her Majesty to agree with France, that the Subjects of France should have Liberty of fishing, and drying Fish, on Newfoundland ; but the said Earl believes, that what Her Late Majesty agreed with France, relating thereto, will not seem unreasonable, if it be consider'd, that the French long ago claim'd Right to, and were in Possession of great part of Newfoundland, and that they were allow'd to continue in Possession thereof by the Crown of England, in a Treaty made at Whitehall, in the Year 1686, and in another Treaty made at Ryswick, in the Year 1697 : And the said Earl doth not know that such Agreement of Her Majesty is contrary to the express Provision of any Act of Parliament, since, he presumes, the Act made in the 10th and 11th Years of the Reign of King William the Third, intituled, *An Act to encourage the Trade to Newfoundland*, cannot reasonably be intended, or construed to extend to any Part of the Island, other than what was at the Time of making that Act, in the Possession of the English : And the said Earl is inform'd, that at that Time the Part of Newfoundland, where the Subjects of France are, by the Treaty of Utrecht, allow'd the Liberty of fishing, and dry-

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ing Fish, was not in the Possession of the *English*. The said Earl denies, that he advised Her Majesty to make a Cession to *France* of the Isle of *Cape Breton*; or that he advised Her Majesty to consent, that what is agreed in the Treaty of *Utrecht*, concerning the Fishery of *Newfoundland*, or *Cape Breton*, should be made an Article in that Treaty: However the said Earl doth not know that *Cape Breton* was part of the Territories of the Crown of *Gr. Brit.* nor does he apprehend, that Her Majesty, who, in her Speech from the Throne, declar'd, *That France had consented to make an absolute Cession of Annapolis, with the rest of Nova Scotia, or Accadia*, should be understood to speak of *Cape Breton*, which is no Part of that Continent, but an Island distinct from it. The said Earl further saith, He conceives, that the only Advantages in Trade, stipulated for *Great Britain*, did not depend on Conditions to be made good by Act of Parliament; on the contrary, he doubts not to make it appear, that many Advantages in Trade were stipulated for *Great Britain*, in the Late Treaties of Peace and Commerce, which have been enjoy'd by the Subjects of *Great Britain*, since the Conclusion of the said Treaties, notwithstanding the Parliament had not thought fit to make any Act to enforce the Ninth Article of the Treaty of Commerce with *France*. And the said Earl denies, that, by his Councils, the good Intentions of Her Sacred Majesty, to have obtained for her People Advantageous Terms of Commerce, were frustrated, or the Trade or Manufactures of *Great Britain* render'd precarious, or at the Mercy of the Enemy, or any Beneficial Branch of Trade yielded up to the Subjects of *France*. And as the said Earl disowns the being concern'd in any Violation of Treaties, or in carrying on the Measures of *France*, or in any Negotiation, which could terminate in the Sacrifice of the Commerce of *Great Britain* to *France*; so he observes, with great Satisfaction, the Flourishing Condition of the Trade and Navigation of these Kingdoms, since the Conclusion, and by means of the Late Peace, in the great Increase of the Number and Tonnage of Shipping, of the Exportation of the Woollen Manufactures, the Fish, and other Product of this Kingdom; in consequence whereof the Customs have been greatly advanc'd, near Three Millions of Gold and Silver has been

coin'd, and the Exchange has all along been in Favour of England, to and from all Parts of Europe.

#### ARTICLE XIV.

In Answer to the Fourteenth Article, the said Earl doth not admit that he form'd any Project, or Design, for disposing the Kingdom of Sicily to the Duke of Savoy, from the House of Austria; or that he did advise Her Majesty to give any such Instructions to Henry Visc. Bolingbroke, as in the said Article mention'd, or to consent to any Treaty, wherein a Cession is made of the said Kingdom to His Royal Highness, without any Concurrence or Participation of His Imperial Majesty; nor doth he admit that Her Majesty was prevail'd on, by his Advice, to assist His said Royal Highness with her Fleet, against the Emperor, in order to obtain the Possession of that Kingdom: But, in Justification of Her Majesty's Proceedings, in relation to the said Kingdom, the said Earl doth beg Leave to observe, that, by the Grand Alliance, it was agreed, among other things, that the Confederates should use their utmost Endeavours to recover the Kingdom of Sicily out of the Hands of the Enemy; and that the Principal Ends for endeavouring the Recovery of Sicily were, That His Imperial Majesty might have a reasonable Satisfaction for his Pretension to the Spanish Monarchy, and that the Trade and Navigation of the Subjects of Great Britain and Holland might thereby be better secured. Since therefore the Empire, and Hereditary Countries of Austria, were now fallen upon Charles the Third, who, at the Time of that Treaty, was a Younger Branch of that House: Since several Towns in the French Flanders, which were not in the Possession of King Charles the Second, at the Time of his Death, together with Spanish Flanders, Milan, and Naples, might seem a reasonable Satisfaction for His Imperial Majesty's Pretensions to the Spanish Succession: And since the Trade and Navigation of the Subjects of Great Britain and Holland would be as effectually secur'd, by the Disposition of the Kingdom of Sicily to the Duke of Savoy, as if the said Kingdom had fallen to the Share of the Emperor: And greater Difficulties would be likely to arise in obtaining the Disposition thereof to the House of Austria, than to that Duke, inasmuch as King Philip might be more easily induc'd to yield it to the Duke of Savoy, than to so potent a Prince as the Emperor; and there were Grounds to

to believe that all, or most of the Princes and States of *Italy* were so apprehensive of the growing Power of the House of *Austria* in *Italy*, that they would suffer any Extremities rather than submit that *Sicily*, together with *Milan* and *Naples*, should be in the Hands of the Emperor, the said Earl doth not discern how any Project to dispose of the said Kingdom to that Duke, could be thought unjust, dishonourable, or pernicious, or any Act of Injustice to His Imperial Majesty, or Violation of the Grand Alliance: Nor doth the said Earl remember in what respect it was contradictory to any Declaration of Her Majesty, or the Instructions she had given her Plenipotentiaries: And in case Her Majesty thought fit afterwards to employ any part of her Fleet to assist that Duke, her good and faithful Ally, to take Possession of that Kingdom, from the Enemy, in Consideration of the said Duke's steady Adherence to the Confederacy, and great Sufferings by such Adherence; he the said Earl is not able to discover why such Assistance might not be given to the said Duke, as well as to any other of her Allies whatsoever. And since it is allow'd by this Article, that the then Duke of *Savoy* never made any Application, in order to obtain the said Kingdom for himself, it seems an Evidence at least, that the Person or Persons who advis'd the Late Queen to agree to such Allotment, did not act upon any Private Interest, or had any other View than the Preservation of a Ballance of Power in *Europe*, and the Security of the Trade and Navigation of the Subjects of *Great Britain* and *Holland*; and cannot reasonably be thought, upon a Fair and Candid Interpretation, to have been guilty of betraying the National Faith, or Honour of the Crown, or employing the Naval Power of these Kingdoms, or the Supplies granted by Parliament, against any Ally of this Kingdom.

#### ARTICLE XV.

In Answer to the Fifteenth Article, the said Earl saith, He is and always was of Opinion, that the Word of the Sovereign is sacred, and that all Communications from the Throne to Parliament, ought to be true, and that it becomes all Ministers of State, as far as in them lies, to maintain the Honour of the Crown, in such Cases, with the utmost Exactness; nor doth the said Earl know, that he hath, at any Time, been defective in his Duty, in this Particular, or ever

took upon himself any Arbitrary or Unwarrantable Authority, much less the Chief Direction and Influence of Her Majesty's Councils: Nor did he ever prostitute the Honour of the Crown or Dignity of Parliament, by misrepresenting any part of the Late Negotiations of Peace, to deceive either Her Majesty, her Allies, her Parliament, or her People; nor did he ever prepare, form, or concert, or advise Her Majesty to make any Speech or Declaration, from the Throne, to her Parliament, that was not conformable to Truth: He believes Her Majesty might make several Speeches, from the Throne, to her Parliament, at the several Times in the said Article mentioned, to which the said Earl refers; and particularly, that Her Majesty did, on the 7th Day of December 1711, declare, *That her Allies, especially the States General, had, by their ready Compliance for opening the Treaty of a General Peace, express'd their Confidence in her*: But the said Earl not admitting there were such Representations as suggested in this Article, begs Leave, in Vindication of the Honour of his Royal Mistress, who was a Princess of strict Piety and Truth, to observe, that the States General sent over Monsieur Buys to Her Majesty, with Letters full of Assurances of their Respect for her Person, and their Resolutions not to separate themselves from her; and likewise signify'd by him, to her Ministers, their Readiness to concur with Her Majesty. And the said Monsieur Buys, immediately upon his Arrival at London, deliver'd Passports for the French Ministers to come to Utrecht; and at a Meeting of several Lords of the Council, shew'd his Approbation of sending circular Letters to invite the rest of the Allies to the general Congress: And the said Monsieur Buys exhibited full Powers for preparing and signing a new Treaty, whereby Her Majesty and the States should be mutually engag'd to each other in making War and Peace, to guarantee the Peace when made, and to invite the rest of the Allies into such Guaranty; all which Matters and Transactions being previous to the 7th of Dec. 1711, Her Majesty might justly regard the aforesaid authentick Acts and Assurances, as greater Proofs of the Confidence the States had in her, and of their Readiness to concur with her, than any Representations or Reports before that Time; and that the

said

said Declaration of Her Majesty from the Throne, was founded upon the strictest Truth. And the said Earl believes, that every one who impartially considers the Steps taken in the Late Negotiations of Peace, the Length of the Treaty, the several Letters from One of Her Majesty's Principal Secretaries of State to her Plenipotentiaries at *Utrecht*, the Ratification of the Engagement sign'd by her Ministers and Monsieur *Buys*, the 18th of *December* 1711, and her Exhorting the States to ratify the same, her pressing Instances to the Princes and States of the Empire, and the many other Acts which were done by Her Majesty's Orders, during that Transaction, for the Service and Satisfaction of her Allies, will readily acknowledge, that Her Majesty did her utmost to procure for her Allies, and in particular for His Imperial Majesty, all Reasonable Satisfaction, and to unite with them, in the strictest Engagements, to render the Peace secure and lasting, agreeable to her Speech of the said 7th of *December*, and her Message of the 17th of *January* following, in this Article mentioned: And if by any Extraordinary Demands, or Groundless Jealousies of any of the Allies, or other Accidents, Her Majesty was not able to obtain for them all the Advantages she desired, this will not derogate from the Truth and Sincerity of Her Majesty's Expressions: And it is evident Her Majesty did procure them so great Satisfaction, that the Allies did all sign the Peace at the same Time with Her Majesty, excepting only the Emperor; and even his Interests were so far adjusted, that what remain'd in Dispute was not thought of Consequence sufficient to delay so great, and good a Work: And it is well known the Emperors of *Germany* have frequently declin'd signing their Treaties of Peace at the same Time with their Allies: But that Her Majesty was induc'd, by any Influence of the said Earl, to enter into any Negotiation with *France*, exclusive of her Allies, or that the said Earl carried on any such Negotiation, or that the Interest of the said Allies, or, in particular, of the Emperor, were, by any Practices of his, given up to *France*, he utterly denies. And when it is consider'd, that much *British* Blood and Treasure had been spent to recover *Spain* and the *West Indies* from the House of *Bourbon*, that an expensive War had, for many Years, continued, which Her Majesty still supply'd with new Recruits and redoubled Expence;

that

that her Armies, and those of the Allies, had been beaten in Spain ; that Prince *Eugene* had declar'd, that Forty Thousand Men and 4000000 of Crowns per Annum, would be necessary for carrying on that War, and that his Master could supply no more than a Fourth Part of that Charge ; that it was found by long Experience, how averse the People of Spain, in general, were, to submit themselves to the House of *Austria* ; that Her Majesty discerned the Charge of renewing the War with Spain would be a Burthen too great for her Subjects, and that there was little Probability of its being successful ; that the Hereditary Countries were then, by the Death of the Emperor *Joseph*, fallen to King *Charles*, who was soon after chosen Emperor (by which Event the Interest of the Princes and States of Europe was changed) it cannot be doubted but that Her Late Majesty had, at the Time when she made the aforesaid Declaration, done her utmost to recover Spain and the West Indies by Force of Arms : And the most she could do afterwards, was by way of Negotiation, wherein she insisted with that Earnestness on King *Philip's* quitting Spain, that France comply'd with Her Majesty's Proposals : But when King *Philip* could not be prevail'd on to give up Spain, Her Majesty thought his Renunciation of the Crown of France, as Circumstances then stood, the most practicable, if not the only Method left, to prevent the Union of these Two Monarchies : But the said Earl doth not think it probable, that the leaving Spain and the West Indies to the House of Bourbon, was the Foundation of the Preliminary Articles sign'd by Monsieur *Mesnager*, and of the Declaration annexed, which had been sign'd by the Lord *Dartmouth* and Mr. *St. John*, with Her Majesty's Consent (and which the said Earl supposes, is what is called the Private Treaty in this Article) since he believes it was then thought more likely, that the Crown of Spain might fall to some other Prince. And the said Earl doth not observe, how Her Majesty can be charg'd with uttering any Falsity in her Message of the 17th of January, wherein she takes notice, How groundless the Reports were, that had been spread, of a Separate Peace being treated, for which Report there was not then, nor at any other Time, the least Foundation ; since only some few Points were adjusted, relating to the particular Interest of her own Kingdoms, and even those were to have no effect but upon

the Conclusion of a General Peace, and were likewise, before such Conclusion, communicated to the Allies. And the said Earl denies, that thenceforth, or at any Time, there were carried on, by him, any Separate Measures with the Ministers of France ; nor doth he conceive, that the Proposal about ~~the~~<sup>the</sup> Renunciation was merely speculative, but that it was of ~~ns~~<sup>n</sup> Nature as would execute it self, and keep the C<sup>r</sup>, if it be consider'd, that it did not consist only in a R<sup>t</sup> the Crown of Spain, of his contingent Right to France thereby given to the D<sup>r</sup> of Orleans, and after<sup>ward</sup> to the rest of the Princes of the H<sup>r</sup> of Bourdon, who could not be presumed to want the Will, nor would be likely to want the Power, to take Possession of the Crown of France, by Virtue of such Title, in Opposition to a Prince at such a Distance, and who had solemnly renounced all his Pretensions to it. Nor can the said Earl think, the Declaration of any Minister of France, against such Expedient (if any such was made) a sufficient Ground for Her Majesty to decline it. The said Earl therefore must beg Leave to repeat, that he is not able to discover, from any thing that appears in those Speeches, that, in the Particulars aforementioned, or any other the Essential Points relating to the Peace and Commerce, or which concerned the Interests either of her Allies or Gr. Britain, were misrepresented by Her Majesty ; nor doth he know, or believe, that any Instance can be given, wherein he abus'd the Favour of his Royal Mistress, to whom he did always bear and pay the most sincere Veneration and Duty ; or wherein he did mislead her Parliament into any Groundless or Fatal Resolution, or prevented their Advice to Her Majesty, or obtained their Approbation to any Dangerous Practices, or whereby Her Majesty could be ever depriv'd of the Confidence of her Allies, or expos'd to Contempt.

#### ARTICLE XVI.

In Answer to the Sixteenth Article, the said Earl doth insist, That, by the Laws and Constitution of this Realm, it is the undoubted Right and Prerogative of the Sovereign, who is the Fountain of Honour, to create Peers of this Realm, as well in Time of Parliament, as when there is no Parliament sitting,

sitting, or in being ; and that the Exercise of this Branch of the Prerogative is declared in the Form or Preamble of all Patents of Honour, to proceed *ex mero Motu, as an Act of mere Grace and Favour* ; and that such Acts are not done, as Any other Acts of a Publick Nature are, by and with the run, of the Privy Council ; or as Acts of Pardon usually other Office<sup>n</sup> Pon Reports from the Attorney General, or the Safety or *that* such Acts are lawful or expedient, or for from the beneficent *age* of the Crown ; but flows entirely He farther says, That ~~the~~<sup>the</sup> Warrants for Patents of Honour, the Bills, or other ~~Engagement~~<sup>Eng. Taints</sup> of such Patents, are, at any Time, communicated to the Council, or the Treasury, as several other Patents are, and therefore the said Earl, either as High Treasurer or Privy Counsellor, could not have any Knowledge of the same : Nevertheless, if Her Late Sacred Majesty had thought fit to acquaint him with her most gracious Intentions of creating any Number of Peers of this Realm, and had asked his Opinion, Whether the Persons whom she then intended to create, were Persons proper to have been promoted to that Dignity ? He does believe he should have highly approv'd Her Majesty's Choice ; and does not apprehend, that, in so doing, he had been guilty of any Breach of his Duty, or Violation of the Trust in him repos'd ; since they were all Persons of Honour and distinguis'd Merit, and the Peerage thereby was not greatly increas'd, considering some of those created would have been Peers by Descent, and many Noble Families were then lately extinct : And the said Earl believes, many Instances may be given, where this Prerogative hath been exercis'd by former Princes of this Realm, in as extensive a manner ; and particularly in the Reigns of King Henry the Eighth, King James the First, and His Late Majesty King William. The said Earl begs Leave to add, That, in the whole Course of his Life, he hath always lov'd the Establish'd Constitution, and in his Private Capacity, as well as in all Publick Stations, when he had the Honour to be employ'd, has ever done his utmost to preserve it, and shall always continue so to do.

## Answer to the First Additional Article.

In Answer to the further Articles of Impeachment exhibited against the said Earl; as to the First of those Articles he saith, That he believes, in or about the Month of January 1710, an Expedition was projected, for making a Conquest of the City *Quebeck*, on the River of St. Lawrence, *Canada*, or other Possessions of the French King in *North America*; but denies he advis'd Her Majesty either to consent to the making such Expedition, or to give Orders for detaching any Battallions of the Forces in Her Majesty's Service in *Flanders*, or to send any such Batallions, or any Squadron of Men of War on the said Enterprize; but having heard that the said Project, or some Expedition of the like Nature, had been, some Time before, consider'd in a Committee of Council, and afterwards laid aside for that Time, and not being fully apprized of the whole Project, nor so well vers'd in the Affairs of that Part of the World as others, who had more Opportunity of knowing them; and lest the Expedition might not, at that Time, prove so feasible or advantageous as others of better Knowledge in those Matters than himself did expect, he did all that he apprehends his Duty requir'd, to prevent the putting the same in Execution, and express'd his Concern at it to some Persons about the Queen. And having so far shewn his Opinion of the said Design at that Time, believes it would not have been thought proper for him to have appear'd at the Meetings, where the Methods only of carrying on the Expedition were to be adjusted, of which Meetings there had been but few, before a Misfortune befel him, which confin'd him to his Bed. But the said Earl denies, that he knew the said Expedition was dangerous or destructive; nor did he hear that it was laid aside formerly by a Committee of Council, as dangerous or impracticable, but only as improper in the Circumstances of Affairs at that Time; nor doth the said Earl know or believe the said Expedition was set on foot with any Design to promote the Interest of the French King, or to weaken the Confederate Army in *Flanders*, or to dissipate the Naval Forces of this Kingdom; and when others of Her Majesty's Council, better acquainted with that Affair, did judge it to be proper and practicable, he did not think it became him, upon the Strength of his own single Judgment, further to oppose an Expedition, which, if it had

succeeded, most certainly would have given a great and sensible Blow to the Settlements and Trade of *France* in that Part of the World. And the said Earl, with good Reason, is persuaded Your Lordships will not think it unfit that Her Majesty should take the Opinion of those who better understood Affairs of that Nature; or, that Your Lordships can judge the said Earl, in that respect, to have been any way wanting in his Duty to Her Majesty; but hopes it will be rather an Evidence of his Fidelity to the Queen and his Country, that he so far discouraged what, in his own Judgment, he was dissident of; however, he is satisfy'd, that those of Her Majesty's Council who did approve the Expedition, acted therein with a sincere Desire for the Publick Good, notwithstanding the ill Success it was attended with, which might chiefly be owing to Delays by contrary Winds, and other unforeseen Accidents. And he doth not believe that Her Majesty's Allies did suffer any Prejudice, or the common Enemy receive any Advantage, by the Detaching of Forces from *Flanders* to serve on this Enterprize; and is inform'd, that, to prevent any such Danger, Her Majesty's General, who commanded at that Time in *Flanders*, had Orders for providing other Forces in their Place, if he judged it necessary. And the said Earl doth acknowledge, that the Sum of Twenty Eight Thousand Pounds, or thereabouts, was demanded at the Treasury about June 1711, on account of Arms, Accoutrements, Goods and Merchandize, said to be sent on the said Expedition to *Canada*; but he saith, That he was so far from advising Her Late Majesty that the said Sum should be issued and paid, that, on the contrary, he put a Stop to the Payment of the same, until he had done all he could, at that Time, to examine into the Expenditure of the said Money: But being then High Treasurer of *Great Britain*, and having received Her Majesty's Orders to pay the said Sum, and not being able, with his utmost Precaution, then to discover any just Cause why it should not be paid, he did afterwards, in Obedience to those Orders, and according to the Duty of his Place, countersign a Warrant to the Paymaster of Her Majesty's Forces, for the Payment of the same, pursuant to which, he believes the same was issued and received. And as to that Part of the said Article, which charges the said Earl with employing his Arts or Credit to keep the House of Commons

mons from examining that Affair ; he begs leave to say, That (whatever Suspicions he might entertain in his own Mind) he did not, upon Examination, find, that there was sufficient Proof to justify the Laying them before either House of Parliament. And altho' he hath been inform'd, that the Papers relating to that Expedition were laid before the Last, and have been all along in the Power of the present House of Commons, yet he hath not heard, that any Fraud hath been made out in that Affair, notwithstanding the Gentlemen who had them under their Inspection, neither wanted Ability to make the utmost Discoveries, nor could be supposed to be prevented therein, by any Influence of the said Earl ; and he hopes it will not be imputed to him as a Fault, if he had us'd any Skill or Credit to keep the House of Commons from examining this Affair, at that Juncture, when, by an unseasonable Inquiry, before a proper Proof could be had, the Fraud, if any such there were, would be likely for ever to escape unpunish'd. But the said Earl denies, that he ever exercised or had any Arbitrary Power or Influence, either in Her Majesty's Private Council, or the Great Council of the Nation, or entertained any Design to prevent the Justice due to the Queen or the Nation, or that any Discovery had been made to him, further than what might give Suspicion to one who was always jealous (as became him) of any Misapplication of the Publick Treasure. And the said Earl saith, That he is not conscious, that, by any Letter, or Memorial to Her Majesty, he had acted contrary to his Duty : But humbly hopes he may be allow'd to observe, that it would be a Matter of particular Hardship, and what seems to him inconsistent with the Rules of Honour and Decency, if the most secret and intimate Papers and Letters, wrote to that most renowned and pious Princess, Her Late Majesty, by her own special Command, and for her own private Perusal, should be imputed to any as a Crime ; and if any Quotation from any such Letter or Paper, could be alledged against the said Earl, he doubts not but there might appear, from other of Her Majesty's private Papers, what would justify him in many Particulars, wherewith he is charged, and would give further Proof (if it were needful) how tender and affectionate Her Majesty was to all her Subjects.

*In Answer to the Second Additional Article.*

The said Earl doth admit, That about *October* 1711, Her late Majesty did sign a Warrant directed to him, then her Treasurer of *Great Britain*, for the issuing and payment of the Sum of 13,000*l.* to *John Drummond*, Esq; in the Article named; and that on or about the 24th of *November* following, in pursuance of the said Warrant, under her Majesty's Sign Manual, he the said Earl did Sign a Warrant for the payment of the said 13,000*l.* but for more Certainty begs leave to refer to the said several Warrants, when the same shall be produc'd: And the said Earl takes the Words [*for Special Services of the War*] to have been inserted by Mistake of the Clerks; for he absolutely denies, That he gave any Direction for those Words, or any other of like Import, to be inserted: And he believes all the Clerks of the Treasury know, that the Monies which arose from the Sale of Tin, was the Queen's proper Money, for the Support of her Household, and such Occasions as she should please to direct, and not appropriated to the Services of the War, altho' sometimes it hath been practis'd, that Loans have been taken upon Tin-Tallies, for the Services of the War, and other publick Services, and afterwards repaid to the Civil List, which might possibly give occasion for such Mistake. And the said Earl saith, That having been acquainted with the Services the said Mr. *Drummond* had perform'd, by Order of the late Earl of *Godolphin*, in borrowing Money upon Tin at a low Interest, the said Earl ask'd Mr. *Drummond's* Consent, that a Sum in Tin-Tallies might be struck in his Name, and with such Consent did direct, that Orders amounting to the Sum of 13,000*l.* should be charged in the Register of the Exchequer, on the Monies arising by the Sale of Tin, in the Name of the said Mr. *Drummond*, who afterwards, before his going to *Holland*, endors'd, the said Orders at the said Earl's Request, and left them in the Treasury; but how long it was before the said Orders were endors'd, or how long they remain'd afterwards in the Treasury, the said Earl doth not particularly remember; but doth acknowledge, that the said Orders and Tallies came afterwards to his own Hands, and were dispos'd for his own Use. But in order to lay the true State of this Affair before your Lordships, The said Earl humbly represents, that upon attending the late Queen, after his being wounded, her Majesty had the Goodness to tell him

him, That she design'd him a Sum of Money: Upon which he represented to her Majesty the bad Condition of her Civil List. But several times after her Majesty ask'd him, why he did not find a way for receiving the Money she intended him, and bring the necessary Warrants for that purpose? He still urg'd the same Reason against it, and for near Six Months made no Step in it, 'till at last her Majesty was pleas'd to say, She was resolv'd to have it done. And as her Majesty had, in matters of her Bounty, made use of Tin-Tallies for other Persons, she was pleas'd to mention the same her self, and order'd proper Warrants to be prepar'd for the Sum, which her Majesty of her Royal Bounty intended him: That after her Majesty had so positively signify'd her Royal Pleasure, to bestow such a mark of her Favour upon the said Earl, the said Tallies and Orders were struck in Mr. Drummond's Name, with her Majesty's Knowledge, and at the said Earl's Nomination; and from that time the same were kept under the said Earl's Direction, for his Use. And the said Earl was advised, that nothing further was requisite to be done, after the Assignment of the said Mr. Drummond, for securing the said Earl's Interest in the said Tallies, 'till an Accident happened, which made it necessary for further Security, to have the said Warrant as a Declaration of Trust, which was accordingly Sign'd by her Majesty, and is to the Effect following.

ANNE R.

WHEREAS in the Year of Our Lord One Thousand Seven Hundred and Eleven, in Consideration of the many good, faithful, and acceptable Services which before that time had been performed unto Us, by Our Right Trusty and Right Well beloved Cousin and Counsellor, Robert Earl of Oxford (then and now our High Treasurer of Great Britain;) Which Services have tended to the Quiet, Safety, and Prosperity of us and Our Realms, though the same were Accompanied with great Difficulties upon himself, and Hazards to Him and his Family. And particularly Reflecting upon the Impious Attempt made upon his Life: We did then fully Resolve, as a particular Mark of our Favour, and of Our Gracious Acceptance of the said Earl's Services, to bestow upon him a Sum in ready Money. But the said Earl representing to us, That the Arrears then due to Our Servants and Tradesmen, chargeable upon Our Civil List, were very great and pressing.

We

We did therefore Agree and Determine, That the said Earl should have to his own Use, the several Sums amounting to Thirteen Thousand Pounds, comprised in certain Orders of Loan bearing date on, or about the Eleventh Day of December 1711, in your Name, and Charg'd upon the Register in Our Exchequer on the Monies arising by Sale of Our Tin, which Orders are not yet in Course of Payment.

Now we do hereby declare and make known, That the said several Sums amounting to Thirteen Thousand Pounds, contained in the said Orders, and the Interest thereof, due and to be due, are, and shall be the proper Monies of the said Earl of Oxford.

And We do hereby Direct and Authorize You to Transfer and Assign the said Orders, and the whole Right and Benefit thereof to the said Earl and his Assigns, or to such Person or Persons as he shall appoint in that behalf. And in case any the Monies due, or to be due, or payable upon the said Orders shall come to your Hands; In such Case Our Pleasure is, that you forthwith pay over the same to the said Earl, his Executors, Administrators, or Assigns, to his and their own Use and Behoof, without any Account to be therefore rendred to Us, Our Heirs, or Successors. And this Our Warrant, or an Attested Copy thereof, shall be your sufficient Warrant and Discharge for so doing.

Given at Our Court at Windsor-Castle the Fourteenth Day of December, in the Twelfth Year of Our Reign,

*Ann. Dom. 1713.*

To Our Trusty and Well-beloved

John Drummond Esq;

And the said Earl believes the said Warrant was drawn by Mr. Lowndes, Secretary to the Treasury, and by what means the same was omitted to be Entred in the Treasury, he knows not; but upon hearing there was a Discourse about the said 13000*l.* in Tin Tallies, he sent a Copy of the said Warrant to the Officers of the Treasury, without signifying any Desire to have the same Entred, well knowing it receiv'd its Authority from the Sign Manual, which wanted no additional force from an Entry thereof in the Treasury Books. And the said Earl saith, That her Majesty was pleas'd of Her mere Goodness and Bounty, and of her own free Will to give him the said Sum of Money, in Reward of his faithful Services, and for his Sufferings in Her Service

vice. And the said Earl saith, That the said Grant, according to the Discount upon those Tallies at that time, amounted to the Sum of 10,000*l.* or thereabouts, wherein he acknowledgeth the great Bounty of her Majesty, and takes notice, That Grants much larger have been made from the Crown, to other Ministers of State, while the Necessities of the Crown have been equally pressing. And the said Earl doth not know that in this, or any other part of his Administration, he ever was guilty of any Corruption, or any Breach of his Oath or Trust as High Treasurer of *Great Britain*; or that he did in any manner abuse her Majesty's Goodness, or make an ill Use of his access to her Majesty, or embezzle the publick Treasure; or did at any time, knowingly injure or oppress her Majesty's Subjects, but on the contrary the said Earl saith, That he manag'd the publick Money in the most frugal manner, in order to lessen, as much as might be, the Charge of the War; and to Ease, if he could, the Commons of *Great Britain* from all grievous Taxes. And in further Vindication of himself, against all the imputation of Avarice or Corruption insinuated in this Article, the said Earl saith, That in every employment, to which he was called by her Majesty's Favour, he was always contented with the accustomed Incomes and Profits of the said employment, without endeavouring to increase his Gain by any unwarrantable or extraordinary Perquisites; That whilst he was in any Office of Trust about her late Majesty, he never abused that Trust in making any manner of Profit or Advantage to himself, either by the Disposal of Places in his own Gift, or by the Recommendation of Persons to her Majesty for such as were granted immediately by Herself; That neither in, nor out of Place, did he ever receive any Pension from the Crown; That as he came with clean Hands into her Majesty's Service, so went not only with clean but almost empty Hands out of it, having spent therein most part of the Profits which accrûd to him from the Places he enjoy'd; so that at this time, notwithstanding all the Advantages he receiv'd from them, and the extraordinary Bounty of the Queen to him, in this Article mentioned, he can, with great Truth affirm, that his private Fortune hath thereby receiv'd very inconsiderable Addition.

*Answer*

*Answer to the Third Additional Article.*

In Answer to the Third Additional Article, the said Earl says, that *Matthew Prior*, Esq; being employed by Her late Majesty at the Court of France, Warrants were sign'd in the usual Form for Payment of several Sums of Money to the said Mr. *Prior*, which he believes from the 27th of *August* 1712. to the 10th of *July* 1714. might amount to the Sum of Twelve Thousand three hundred and sixty Pounds, as in the said Article is set forth; And he believes he did pay, or cause to be paid at several Times the said Sums, pursuant to the Authority he had from Her late Majesty for that purpose, which he conceives was not only lawful, but a Duty incumbent on him. He further saith, That he doth not know that by any Law there ought to be certain Appointments or Allowances for the Maintenance and Support of Embassadors, Envoys, Plenipotentiaries, or other Publick Ministers of the Crown in foreign Courts; But that Her Majesty was at Liberty to vary such Appointments, and the manner of paying them, as She in Her Wisdom should think fit, out of any Funds appropriated to the Civil List. He does believe, that there are several Instances, where Persons employed to negotiate Matters of Importance, as Ambassadors or Plenipotentiaries, have been allowed One thousand Five Hundred Pounds for their Equipage; One Hundred Pounds a Week for their ordinary Entertainment, and One thousand six hundred Pounds for Extraordinaries, and likewise further Sums for Services perform'd by special Order: And if the said Mr. *Prior* had been paid upon that Foot, he would have been entitled to a greater Sum from the Crown for the time wherein he was employ'd by Her Majesty, as aforesaid, over and above all Disbursements for special Services. And the said Earl saith, that he takes the said *Matthew Prior* to have been sent by Her Majesty into France for Her Majesty's Service, and in order to carry on the Negotiations of a General Peace; but denies, that he was any Creature of the said Earl, or sent by the said Earl into France, or that he carry'd on any Negotiations of the said Earl, or that Her Majesty was prevailed on by his Councils to send the said *Matthew Prior* as Her Plenipotentiary to the French King, without the Privity of or any Communication with Her Allies, or that the said Earl used the least Contrivance for

for carrying on, or did carry on or promote any dangerous Practices with the Ministers of *France*, or the Enemies of Her Majesty or Her Kingdoms, or that he did at any time combine with the said *Matthew Prior* to defraud Her Majesty of any Sum of Money whatsoever, under Colour of his Employment ; or that the said *Matthew Prior* was sent into *France* with the Character aforesaid, or without any settled Appointment or Allowance for any such End, or that he the said Earl did give the said *Matthew Prior* an unlimited Credit, or promised to pay him any Bills whatsoever, other than what he should be duly authorized to pay ; or that any Bills of Exchange, in the said Article mentioned, were drawn in pursuance of any such Contrivance. The said Earl saith, that *Thomas Harley*, Esq; having been twice sent by Her late Majesty to the Court of *Hanover*, he the said Earl being then High Treasurer of *Great Britain*, paid or caused to be paid to the said Mr. *Harley* the Sum of Five thousand five hundred and sixty Pounds, or thereabouts, by Authority from Her Majesty, and according to the Duty of his Office, out of Monies appropriated to the Use of the Civil List. And he believes, that if Mr. *Harley* had received an Allowance in Proportion to what hath been paid to Ambassadors, it would have amounted to a greater Sum. But denies, that the said Sum of Five thousand five hundred and sixty Pounds, or any Part of it was paid without Authority, or for promoting any wicked Purposes of the said Earl, or that he did either illegally or fraudulently issue, or direct, or advise the Direction or Payment of any Sum or Sums of Money out of Her Majesty's Treasury, to any Person whatsoever, or that he ever entred into any Combination with the Persons above-mentioned, or any other Person whatsoever, to defraud Her Majesty of any of the Publick Money which he was entrusted with the Management of.

*Answer to the Fourth Additional Article.*

In Answer to the Fourth Additional Article, the said Earl denies, That he ever held any Correspondence with *Mary*, the late Consort of the late King *James II*, either by the means of Mr. *Prior*, or, by any other means whatsoever, or that he ever intended, or had the least Design any way to promote the Interest of the *Pretender*; nor doth the said Earl know or believe, that Monsieur *Gaultier*, in the said Article named, was entrusted or employed as an Agent between any

of the Ministers of Great Britain and France, in transacting any Affairs relating to the Pretender ; and denies, that he the said Earl had any Conferences with him the said Mr. Gaultier on that Subject : Nor doth the said Earl know or believe, that he the said Mr. Gaultier was empower'd to Concert with him the said Earl, particularly the settling any Payment or Remittance of the Annuities hereafter mention'd, or any other yearly Sum to be paid or remitted out of Her Majesty's Treasury into France : Neither had the said Earl the least Design, that any of the Fruits or Advantages of the Peace should be made an Offering to any Adherent of the Pretender ; nor did he agree or undertake to procure the Payment of the yearly Sum of Forty seven thousand Pounds, or any other yearly Sum, to the Use of the said late Consort, during her Life. But the said Earl doth admit, that the late King James II. by Letters Patents under the Great Seal of England, bearing Date on, or about the 28th Day of August, in the Year 1685. granted unto Lawrence Earl of Rochester, Henry Earl of Peterborough, Sidney Lord Godolphin, Robert Warden, Esq; and Sir Edward Herbert, Kt. (who are all since deceased) divers Annuities or yearly Sums of Money, amounting to Thirty seven thousand three hundred twenty eight Pounds, thirteen Shillings and seven Pence, payable out of the Hereditary Duty of Excise, and the Post Office, and other Revenues in the said Letters Patents mentioned, to hold to them, and their Heirs, during the Life of the said Consort, in trust for her. And by other Letters Pattents, bearing date, on or about the Third Day of December, in the Year 1686. also granted unto the said Consort a further Pension, or yearly Sum of Ten thousand Pounds, to hold during her natural Life ; whereby the said Revenues arising from the Hereditary Excise and Post Office, and other the Revenues in the said Letters Patents mention'd, became charged with, and were liable to the said Annuities or yearly Sums, as in this Article is mention'd. And the said Earl doth admit, that the said Revenues were by several Acts of Parliament granted and settled during the Life of his late Majesty King William the Third, for the Use and Service of his Household and Family, and for other his necessary Expences and Occasions ; and after his Demise, during the Life of her late Majesty

jeſty Queen *ANNE*, were appointed to be for the Sup-  
port of her Houſhould, and of the Honour and Dignity of  
the Crown; but ſaith, that in the ſame Act of Parliament,  
whereby the ſaid Revenues are ſo appointed, there is a ge-  
neral Saving to all and every Person and Persons of all ſuch  
Rights, Titles, Estates, Interests, Claims and Demands  
whatsoever, of, in, or to, or out of the ſaid Revenues and Here-  
ditaments, or any of them, as they, or any of them, had, or  
ought to have had, before the making the ſaid Act, as fully,  
to all Intents and Purpoſes, as if the laid Act had never been  
made. And the ſaid Earl doth admit, that an Act of Parlia-  
ment was made in the Twelfth Year of her late Maſteſty's  
Reign, whereby the Sum of Five hundred thouſand Pounds,  
for the Caufes therein mentioned, was to be applied (in Aid  
of the Revenues or Branches which were appointed for the  
Support of Her Maſteſty's Houſhould, and of the Honour  
and Dignity of the Crown) for, or towards the paying  
ſuch Arrears of Sallaries, Wages, Diet-money, and other  
Allowances, and ſuch Debts for Emptions, Proviſions, and  
other Caufes as ſhould appear to be due and owing to her  
Maſteſty's Servants, Tradesmen and others. But the ſaid  
Earl ſaith, he hath heard, that the ſaid late Consort of the  
late King *James II.* eſteeming herſelf to be entitled by the  
Laws of *England*, by vertue of the ſaid Letters Paſtents to  
the ſeveral yearly ſums of Money therein mention'd, did  
by Letter of Attorney impower and authorize the ſaid Mr.  
*Gaultier* to demand and receive for her only Use, Benefit and  
Behoof, all ſums of Money which from and after the Feaſt  
of the *Annunciation* of the Bleſſed Virgin, 1713, were be-  
come due and payable upon the ſaid ſeveral Annuities, a-  
mounting to Thirty seven thouſand three hundred twenty  
eight Pounds, thirteen Shillings and feuen Pence, and the  
other Annuity or yearly ſum of Ten thouſand Pounds, and  
to give Acquittances and Discharges for the Monies he  
ſhould ſo receive to her only Use and Behoof, as aforesaid;  
and that thereupon he the ſaid Mr. *Gaultier* applied himſelf  
to her Maſteſty for the Payment of the Monies which were  
incurred or grown due on the ſaid ſeveral Annuities, from  
the ſaid 25th Day of *March* 1713. and that her Maſteſty was  
pleaſed to ſign a Warrant, directed to him the ſaid Earl, be-  
ing then her Maſteſty's High Treasurer, or to the High Treas-  
urer,

surer, or Commissioners of the Treasury for the Time being, in the Words, or to the Effect in the said Article set forth; but for more Certainty refers himself to the said Warrant, when the same shall be produced. And that in Obedience to her Majesty's Commands, signified by the said Warrant, he the said Earl did direct two several Warrants to the Auditor of the Receipt of the Exchequer, to the Effect in the said Article set forth; but for more certainty refers to the said several Warrants when the same shall be produced. But he denies he advised her Majesty to sign the said Warrant of the 23d of December 1713. but when such Warrant was brought to him, and he knew that the Jointure of the said Consort had been confirm'd by Act of Parliament, and had heard, that by some private Article or Agreement at the Treaty of Ryswick, Provision had been made in relation to it; and the Legality of the Demand not being doubted by her Majesty's Council learned in the Law, the said Earl thought it his Duty to pay Obedience to it. And the Sum of Five hundred thousand Pounds intended to be raised by the said Act of the 12th Year of her Majesty's Reign, together with a great Additional Sum in Tallies, being design'd for discharge of her Majesty's Debts, the said Earl thought himself sufficiently authorized to direct that the said Sum of Money, mention'd in the said Warrants, which he was advised was a Debt from her Majesty, should be paid out of the said Five hundred thousand Pounds; yet the Sum in the said Warrants mention'd, or any part thereof, was not paid out of the said appropriated Sum of Five hundred thousand Pounds or otherwise; but the whole Sum of Five hundred thousand Pounds was applied to other Uses, for which it was appropriated. And the said Earl humbly hopes, That he hath not hereby betray'd the Honour of her late Majesty, or the Imperial Crown of these Realms, or acted contrary to his Duty; and the said Earl doth acknowledge, that the said Mr. Gaultier coming into England with Letters of Credence from the French King to her late Majesty, after having resided sometime in England, her Majesty was pleased before his Departure hence to direct a Present should be made to the said Mr. Gaultier, as hath been usual in like Cases to publick Ministers; and he believes her said Majesty was the rather inclined to make such Present to the said Mr. Gaultier, because

because the said Earl hath heard, and takes it to be true, that the said *Gaultier* had been instrumental with the French King, to obtain the Delivery and Release of those poor *Protestants*, who had suffer'd aboard the Gallies on account of their Religion; whose Rescue from Slavery, Her Majesty, out of her known Zeal to the Protestant Religion, and out of her wonted Piety and Compassion to the Confessors in so good a Cause, had much at Heart, and had prevailed therein beyond Expectation; it being what, by His Majesty King *William*, had been attempted in vain, and was thought, by many, impossible ever to be obtain'd: And the good Offices of the said *Gaultier*, in that Affair, having been very acceptable to Her Majesty, she was pleased to increase his Present in respect thereof, and therefore order'd it to be paid in the same manner as had been done to others, whose Presents Her Majesty thought fit to augment. And for this end Her Majesty, about the Time in the Article mention'd, did sign a Warrant directing the Payment of One Thousand Pounds Sterling to *Daniel Arthur*, Esq; in the same Article mention'd, to the intent it might be paid to the said Mr. *Gaultier*, on the Account aforesaid. And the said Earl believes, the said Monies were issued and paid accordingly, and doth not apprehend he hath therein acted contrary to his Duty.

*Answer to the Fifth Additional Article.*

In Answer to the Fifth Additional Article, the said Earl doth admit the Sovereign of this Realm may refuse to receive any Natural-born Subject, who hath committed, and is under the Guilt of High Treason as a publick Minister, or with any Character from any foreign Prince, State, or Potentate: And that where such Person is known to be guilty of such Crime, it may, in most Cases, be fit so to do. But he the said Earl apprehends, that the Sovereign is the proper Judge whom to refuse or receive with such Character. The said Earl believes, that a Person styling himself, or commonly known, by the Name of *Lilcott* or *Lawless*, did, about the Year 1712 or 1713, come into England with Letters of Credence to Her Majesty, from the King and Late Queen of Spain, and Authority to treat about carrying British Merchandizes to the Spanish

*Spanish West Indies*; and that Her Majesty was pleased to admit such Person with such Letters of Credence; and, before his Return to Spain, was pleased to order, for the Use of such Person, the Sum of One Thousand Pounds, to be paid out of the Monies appropriated to the Civil List, which the said Earl, in Obedience to such Orders, caused to be paid, and humbly apprehends it was his Duty so to do. But the said Earl believes, that when the said *Lilcott* or *Lawless* was so admitted, he was generally thought to be a natural *Spaniard*, and that, from the Advantages of those Licences which he brought, for carrying the *British Merchandizes* to the *West Indies*, he expected a much Larger Present; however, the said Earl denies, that he knew, or was inform'd, before the Arrival of the said *Lawless* in *England*, any thing of his Coming hither, nor after his Arrival did he see him, or know of his being here, before he had been introduced to Her Majesty, it being usual for Publick Ministers to be introduced by those Servants of Her Majesty, to whose Office it belongs, as Master of Duty and common Dispatch, without consulting therein other Ministers of State. And upon the Notice taken of this Affair formerly in the House of Peers, it appear'd, that the noble Lord who introduced the said *Lawless* to the Queen, by Virtue of his Office, did it as of course, and did not then know he was other than a Native of *Spain*. And the said Earl saith, That of a long Time after he had been so introduced, the said Earl neither knew nor heard that he was other than a natural *Spaniard*; but when the said Person had continued in *England* a considerable Time, there was a Rumour, and the said Earl was afterwards inform'd, he was a Native of *Ireland*, and departed out of that Kingdom in his Youth, and had since been in the *Spanish Service*; but doth not know, nor was inform'd, that he had committed or been guilty of High Treason, or that he had served the Late King *James II.* in the War in *Ireland*, against King *William III.* or had follow'd the said King *James II.* into *France*, or been in his Interest or Service, or had been in Rebellion against King *William*, or in Arms against the Late Queen. And the said Earl having no Notice of the said Person's Arrival, before his being admitted to Her Majesty, nor any Knowledge of any Crime he was guilty of, submits whether it shall be imputed to him as any Want of Duty, that he did not advise Her Ma-

jesty against admitting or receiving him in the Character aforesaid, or that he did, by Her Majesty's Authority, meet, confer, or negotiate with him, concerning any Affairs about which he was authoriz'd to treat (in case he had so done, which however the said Earl doth not admit) or that, by Authority from Her Majesty, he paid the said Sum of One Thousand Pounds to the said *Daniel Arthur*, which after came to his Use. But the said Earl doth deny, that he advised Her Majesty to sign the Warrant for Payment of the said One Thousand Pounds, or gave any Directions for Payment thereof, contrary to what was intended by Her Majesty. And the said Earl admits, that some other Sums of Moneys (which might amount in the whole to Nine Hundred and Fifteen Pounds, or thereabouts) were paid in Satisfaction of Monies advanced to the said *Lawless*, as part of the Monies agreed to be advanced to *His Catholick Majesty* by the *Assiento-Contract*; but denies, that he directed the Payment of any other Monies whatsoever out of Her Majesty's Treasury, to the said *Lilish alias Lawless*, or knows that any other Monies were paid to him, beside the aforemention'd Sum of One Thousand Pounds, and the Monies paid in Satisfaction of what was advanced to him towards the Part due to *His Catholick Majesty*, by the said *Assiento-Contract*. And the said Earl never assumed the Supreme Direction in Her Majesty's Councils, neither was he advising, that the said Person should be introduced to Her Majesty, or should be received or treated by her Ministers, under the disguised Name of *Don Carlo Muro*, or should at all be received as a publick Minister here. And the said Earl doth acknowledge, that the House of Lords, with Commendable Zeal, made such Addreſſes, and came to such Resolution, and that Her Majesty made such Answer, and issued such Proclamation, as in the said Article is mention'd. And as the said Earl had always the highest Regard to the Safety of Her Majesty's Person, the Security of the *Protestant Succession*, and Advice and Resolution of the House of Peers; so he denies, that he had the least Knowledge, that the said *Lilish alias Lawless* had ever been Minister or Agent of the *Pretender* at the Court of *Madrid*, or the least Suspicion that he was sent into *England* to promote the Interest of the *Pretender* in these Kingdoms; nor is he conscious to himself, that he hath done any thing to expose

expose the Person of Her Most Sacred Majesty, to enervate or render ineffectual the Advice of Parliament, or Her Majesty's Declarations, to countenance any Emissary of the Pretender, or encourage his Adherents, to the Danger of the Protestant Succession as by Law establish'd in the Serene House of Hanover ; but, on the contrary is persuaded his Conduct in that Affair is so well known, as not to need any farther Justification : But if it should at any Time be thought necessary, he is able to produce those Proofs of it, which are the Best Authority in the World for his Vindication.

*Answer to the Sixth Additional Article.*

In Answer to the Sixth Additional Article, the said Earl hath been inform'd, and doth believe it may be true, that after several unsuccessful Attempts by Her Late Majesty, in Conjunction with her Allies, to establish His present Imperial Majesty upon the Throne of *Spain*, Instructions in Writing were given to *Mitford Crow*, Esq; about the 7th Day of *March*, 1705, taking notice that Her Majesty had been inform'd, the People of *Catalonia* were inclin'd to cast off the Yoke impos'd on them by the *French*, and to return to the Obedience of the House of *Austria*; and that Her Majesty, desiring to maintain and improve that good Disposition in them, and to induce them to put the same speedily in execution, had made choice of him to carry on so great a Work; for the Advantage of her Service and the Good of the common Cause, as was the Making a Treaty with the *Catalans*, or any other People of *Spain*, for the Purposes aforesaid ; and that the said *Mitford Crow* was thereby impower'd to give the *Catalans*, or other *Spaniards*, Assurances of Her Majesty's utmost Endeavours to procure the Establishment of all such Rights and Immunities, as they enjoy'd formerly under the House of *Austria* and the Confirmation of such Titles as had been conferr'd on any of them by the Duke of *Anjou*: And that for their further Satisfaction, Her Majesty had sent to King *Charles III.* for Powers for confirming the same to them, and was willing, if they insisted on it, to become Guarantee that it should be done. And the said Earl hath been likewise inform'd, That Her Majesty, in a Commission granted to the said *Mitford Crow*, express'd, That she thought fit to enter into a Treaty with the Principality of *Catalonia*, or any other Province of *Spain*, on Condition they would acknowledge and receive *Charles the Third,*

Third, as lawful King of Spain, and utterly abdicate the House of Bourbon, and join their Forces with Her Majesty's. And that Her Majesty was pleas'd also to sign and deliver to the said *Mitford Crow*, Credential Letters, directed to the Nobility, Magistracy, and other Officers of *Catalonia*, or any other Province of *Spain*, desiring them to give Faith to every thing the said *Mitford Crow* should tell them in Her Majesty's Name: And that Instructions were likewise given to the Earl of *Peterborough* and Sir *Cloudesly Shovel*, about the Time, and to the effect in the said Article mentioned ; and that a Manifesto or Declaration was afterwards published, by the said Earl of *Peterborough*, to the effect in the said Article set forth ; but the said Earl denies, that such Manifesto or Declaration was prepared by his Advice or Privity. And the said Earl believes it may be true, that some part of the Nobility, Gentry, and Inhabitants of the Principality of *Catalonia*, and also of the Inhabitants of the Island of *Majorca*, did afterwards acknowledge King *Charles* the Third (now Emperor) for their lawful Sovereign, and did join their Arms with those of Her Majesty and her Allies, against the present King of *Spain* ; but by what Motives they were induc'd thereunto the said Earl does not know. And the said Earl does acknowledge, That, for some time, the Arms of Her Majesty and her Allies in *Spain*, were attended with considerable Successes, in which the Bravery of the *Catalans* appear'd, and the Forces of the Confederates twice enter'd the Capital City of that Kingdom ; by which signal Conquests, and the great Supplies that have been granted by Parliament, for their Assistance, the said People were under the highest Obligations of Gratitude to Her Majesty ; but the Advantages those Successes had given King *Charles* the Third, being lost, Her Majesty found the Burthen of that War very heavy to her Subjects, the Conquest of *Spain*, for the present Emperor, impracticable, and, after the Accession of the Empire and Descent of the Hereditary Countries to him, esteem'd inconsistent with the Interests of many of her Allies ; and therefore thought it necessary, for the Good of her People, and the Tranquillity of Europe, to enter into Negotiations for a General Peace. But the said Earl denies, That he enter'd into any Conspiracy for subjecting the Spanish Monarchy to the House of *Bourbon*, or ever had the least Design of the Ruin or De-

struction of any of the Rights, Liberties, or Privileges of the *Catalans*; or that he ever formed any Contrivance for abandoning them to the Fury or Revenge of the Duke of *Anjou*, or his Adherents; or for the Extirpation of any of their Rights, Liberties, or Privileges; or that he advis'd Her Majesty to give Directions to the Lord *Lexington* to acknowledge the Duke of *Anjou* King of *Spain*, before any Negotiation of Peace was set on foot in due Form of Law, between the Crowns of *Great Britain* and *Spain*. On the contrary the said Earl saith, That, by Letters and Papers sent by One of Her Majesty's Principal Secretaries of State to the Lord *Lexington*, it will appear, that after Her Majesty had hearken'd to the Proposals for a General Peace, for the Good of her own People and her Allies, she us'd her best Endeavours for obtaining the Liberties of the *Catalans*, at the Conclusion of the Peace, and that His Lordship was directed peremptorily and absolutely to insist thereon: Nor doth the said Earl know or believe, that any Orders were ever sent from, or given by Her Majesty, to any of her Ministers, to recede from that Demand; or that the said Lord *Lexington* ever desisted from making the utmost Efforts he could for obtaining it. And if, from any Measures of the *Catalans*, or of His Imperial Majesty, or from any other Cause, Her Majesty's Endeavours had not their full effect, the said Earl conceives it cannot be imputed to any Neglect of Her Majesty, or any Want of Duty in him the said Earl. He believes, That about the Time in the said Article mentioned, His Imperial Majesty did enter into a Convention or Agreement for evacuating *Catalonia*; and that Her Majesty, out of Inclination to perform her best Offices to the Emperor, was prevail'd on to become one of the Guarantees thereof; but denies, That His Imperial Majesty was necessitated, by any Practices of the said Earl, to make any such Convention, and is ignorant for what Causes His Imperial Majesty, whom it most concerned, omitted, in such Convention, to make express and positive Stipulations for the Liberties of the *Catalans*. If it proceeded from any Dependance upon the Declaration of Her Majesty, to interpose her best Offices on their behalf, and the Promises of the French King to join his Endeavours therein; he is confident it will appear, Her Majesty's best Offices were employ'd in that Affair, when it is consider'd, what repeated Instances

Instances she made by her Ministers, and in the most pathetick manner, to obtain for them the Privileges they desir'd. And that Her Majesty, by her earnest Interposition, did obtain a Grant and Confirmation to all the Inhabitants of Catalonia, of a perpetual Amnesty, and Oblivion of all that was done in the Late War, the full Possession of all their Estates and Honours, and a farther Grant of all their Privileges, which the Inhabitants of Both Castiles, who, of all the Spaniards, were most dear to the King of Spain, enjoy'd, or might at any Time after have, or enjoy ; whereby the Catalans, if they obtain'd not all the ancient Privileges they pretended to, receiv'd however, in Compensation thereof, the Advantage of trading directly to the West Indies, and other Privileges, to which they were never before intitled. And the House of Peers, upon Consideration of several Papers laid before them, relating to this Affair, in pursuance of their Address to Her Majesty in that behalf, express'd their utmost Thankfulness and Satisfaction for Her Majesty's repeated and earnest Endeavours for preserving to the Catalans, the full Enjoyment of all their just and ancient Liberties. And it is probable Her Majesty had prevail'd to obtain for them their ancient Privileges and Liberties, in the largest Extent, if they had waited the Event of her gracious Interpositions in their Favour, and not determined to carry on the War by themselves, against King Philip, after the Emperor had sign'd the Convention for evacuating their Country ; which incens'd the King of Spain in the highest degree, and was look'd upon by him as the most obstinate Rebellion. However, the said Earl saith, He never amus'd the Catalans with any Expectations whatsoever, nor in any degree contributed to engage them in any obstinate Defence against the Duke of Anjou ; nor advis'd Her Majesty to conclude a Peace with Spain, without Security for the ancient Rights, Liberties, and Privileges of that People ; or to send Sir James Wishart with a Squadron of Men of War, for the Purposes in the said Article mention'd ; but believes Her Majesty might think her self oblig'd, by being Guaranty to the said Convention for the evacuating of Catalonia, to send the said Sir James Wishart into the Mediterranean, with a Squadron of Men of War, altho' he knows not the Orders or Instructions given on that Occasion ; and humbly apprehends,

that he cannot, in Justice, be charged with any Consequences from that unhappy People's Refusal to comply in their Submission to the King of Spain, upon the Terms Her Majesty had stipulated for them.

### C O N C L U S I O N.

THUS the said Earl has laid his Case before Your Lordships, wherein he hopes he has fully answer'd the several Articles exhibited against him; yet lest there should be any Omission in his Answer, which may be made use of to his Prejudice, he says, He is not guilty of all, or any the Matters contain'd in the said Articles, or any of them, in Manner and Form as they are therein charged against him: And humbly hopes that Your Lordships will excuse any Imperfections or Defects in the said Answer, with regard to Expression or Form; and impute whatever of that Kind may appear, to the great Weakness of Body, and ill State of Health, which the said Earl now labours, and hath for some Months past labour'd under: And that Your Lordships will be induc'd to make all further Due Allowances in his Favour, from the following Considerations, which relate to the Nature of the Charge in general, and the Difficulties with which his Defence of himself, against the Particulars contain'd in that Charge, is, and must be attended. Most of the Articles with which he stands charg'd, relate entirely to the Negotiations of the Peace lately concluded at Utrecht; he doubts not but Your Lordships will consider, that he must of necessity be under great Difficulties, in giving a full and particular Account of such a great Variety of Facts as are contain'd in these Articles; that several of those Facts concern Transactions with the Ministers of Foreign States, who cannot be produced as Witnesses in his Defence, be their Testimony never so material; that many Steps and Proceedings in an Affair of this Nature, where the Interests of several Parties, not only separate from, but some of them also contrary to each other, are to be adjusted, do require great Secrecy and Address in the Management. And that in Treaties between Enemies, such Terms are often proposed, and such Arguments used, as carry a Different Appearance from the real Intentions of those that treat: Upon which Accounts it must be very difficult to set every thing that past in the Late Negotiations, with regard to the Enemy, and to the Allies, in a clear Light, and to justify

justify every Step that was taken towards conducting them to the End proposed, especially since the Account of those Transactions, and of the Reasons on which they were founded, cannot, as he conceives, be duly cleared, but by inspecting the entire Series of Letters and Papers which pas'd during the Continuance of those Transactions, and by comparing together such Passages in them, as might give Light to each other, and to the whole. All which Letters and Papers are (as he is inform'd) now in the Possession of the Honourable House of Commons; nor was it thought fit, upon his humble Application to Your Lordships, that he should be indulged with a Copy of any of them. He hopes that it may not misbecome him, on this Occasion, to observe to Your Lordships, that the House of Commons, by being possessed of those Papers, have a fuller View of the whole Progress, and of all the secret Steps of that Negotiation, than perhaps was ever, in the like Case, imparted to any House of Parliament; and they have therefore all the Advantage possible towards forming the Charge against him upon the Articles of his Impeachment; whereas he (the said Earl) being destitute of all Assistance from those Papers, is under great and particular Disadvantages towards making his Defence, in the Points whereof he there stands accused; and he is therefore humbly assur'd, that as Your Lordships, on the one side, will not expect from him any such Proofs of his Innocence, as can only be drawn from a Perusal of those Papers; so, on the other, you will not admit of all, or any of those Articles, as made good against him, unless the Accusations therein contain'd, be supported by the Clearest and most Unquestionable Evidence, of which the Nature of the Facts is capable. He submits it likewise to Your Lordships Consideration, whether, in a Negotiation drawn out into a great Length, where the Advice of all those in High Trust about Her Majesty was to be taken, and where several Persons were to be intrusted with the Management of what was agreed upon, he can, with any Colour of Equity, be made answerable for advising and conducting the whole? He desires also farther to observe, that every thing with which he is charged, was done in the Reign of a gracious Princess, now deceas'd, who, by reason of the perfect Knowledge she had of the ill State of Affairs at home, of the Advances made towards Peace from abroad, and of the Commands

mands which she at several Times laid on her Servants, had been the best, and indeed could be the only competent Judge, whether she was fraudulently dealt with, led, by ill Advice, into Measures which she did not direct and approve, or made any Instrument of sacrificing the Interests of her Kingdoms to the Enemy. It is with great Grief that he finds such things suggested, as seem to lay a Stain upon the Character of so excellent a QUEEN, whose Memory, he is confident, will be for ever dear to this Country. And therefore he takes leave, in the most solemn manner, to assure Your Lordships, that as far as he knows, or can remember, every thing relating to the Transactions of Peace, was communicated to Her Late Majesty, and maturely consider'd by her, before any thing was determin'd thereupon, nor was any Step taken, but in pursuance of such Determination. As to the Peace in general, he the said Earl thinks he has very good Reason to say, That the Queen had nothing more at Heart, than to procure so great a Blessing for her People; and that when it was obtain'd, she had this Satisfaction in her self, that she had taken the most proper Measures to justify her Conduct, both toward her Allies and toward her own Subjects: For upon a Review of Her Majesty's whole Proceeding, in relation to War and Peace, he believes it will appear, and hath in part appear'd, by the Answer of the said Earl to the said Articles, that as Her Majesty enter'd further into the War than she was oblig'd by any Treaties, subsisting at the Time of her Accession to the Throne, so she contributed more Men and Money towards carrying it on afterwards, than she was engag'd to provide by any subsequent Treaties. That her earnest Desires of Peace being twice frustrated, when such Conditions might have been obtain'd, as would have fully answer'd the Ends for which the War was at first declar'd: That all our Successes and Victories ending in the annual Increase of the Charge of *England*, without any further Assistance from her Allies; and her Kingdoms being exhausted to such a Degree (notwithstanding the great Advantages obtain'd by her Arms) that she was not able to continue the War upon the Foot it then stood, one Year longer; whilst her Allies refus'd to continue it upon those equal Conditions, to which they were by Treaties oblig'd: She was at last constrain'd, in Compassion to her People, to hearken to

the Overtures of Peace then made her from *France*, without relying farther on the vain Hopes of gaining more Advantageous Terms, by protracting the War a Year longer: She had carry'd it on for some Time under that Prospect, without reaping the Benefits proposed, even at Junctures that seem'd most favourable to her Demands, and to the Pretensions of her Allies; She had indeed, by that means, rais'd the Glory of her Arms, but she could not think this a sufficient Recompence for the increasing Miseries of her People, and therefore resolv'd to lay hold of the Opportunity that offer'd to her, of ending the War by a Peace, if it might be obtain'd upon Terms every way Just, Safe, and Honourable; and those who were then employ'd in Her Majesty's Councils, thought themselves oblig'd to second her good Intentions in this Case, and to obey her Commands with all Readiness. The said Earl presumes, on this Occasion, to mention the Saying of as Wise a Man, and as Great a General, as the Last Age produced, the Duke of *Parma*, when *France* was in a far Lower Condition than now, being almost equally divided between Two contending Parties, and *Spain* was at the Heighth of its Glory, and he himself at the Head of a Spanish Army, supporting One of those Parties, after *Paris* it self had been besieg'd by the Other, it was his Opinion (and the Advice he gave to His Majesty, the King of *Spain*, was grounded upon it) *That if France were to be got only by reducing its Towns, the World would be sooner at an End than such a War.* The Queen seem'd, at this Time, with better Reason to frame the like Judgment; and it was therefore her Pleasure, and a great Instance (as the said Earl conceives) of her Wisdom and Goodness, to think of securing a Peace while she seem'd able to carry on the War, her Armies being full and numerous, and before the Exhausted Condition of her Kingdoms, and the Impossibility, on her Side, of maintaining so disproportioned an Expence, was discover'd by her Enemies. At this Juncture the Queen enter'd upon a Negotiation of Peace, with Circumstances of great Honour to her self, *France* applying to her first on this Account, previously owning her Title, and acknowledging the Right of the *Protestant Succession*, two Chief Grounds upon which the Declaration of the Last War was built. As to the Allies, it was conducted in the same manner as all Treaties of Peace in Confederacies

federacies have ever been, and according to the known Laws of Nations in such Cases; the First Motion, and the several Steps of it, as fast as they ripen'd into Proposals fit for Consideration, being, without Delay, communicated to the *States General*. By the Terms of this Peace, as all Reasonable Satisfaction and Security, due to any of the Allies, by Treaty, were obtain'd for them by the Queen, and their Jul<sup>l</sup> Preten-sions effectually supported; so larger Advantages were actually procur'd for *Great Britain* in particular, than ever had been demanded before, in any Treaty and Negotiation between this and any other Foreign State. The said Earl craves Leave, on this Occasion, to appeal to Your Lordships, whether all the Ends for which the War was enter'd into, have not, by this Treaty, been fully attain'd? Whether it does not appear by the Best of Proofs, Experience, that the Kingdoms of *France* and *Spain*, are, by the Conventions of this Treaty, most effectually separated? And whether any other Expedient could have been so successful to this Purpose, as that whereby it is now happily brought about? Whether the Ballance of Power in *Europe* be not now upon a better Foot than it has been for an Hundred Years past? Whether the Advantages that have accrued to *Great Britain*, by the Treaty, do not appear, and have not appeared, in the Secu-  
rity of the *Protestant Succession*, and in His Majesty's peace-  
able Accession to the Throne, with the universal Applause of his Subjects; in the Additions made to our Wealth, by the great Quantities of Bullion lately coin'd at the *Mint*; by the vast Increase of Shipping, employ'd since the Peace, in the Fishery, and in Merchandize; and by the remarkable Rise of the Customs upon Import, and of our Manufacture, and the Growth of our Country, upon Export. For the Proof of which Particulars he refers himself to those Offices and Books wherein an Authentick Account of them is contained. And as the Terms of the Peace were, in these, and other Res-  
pects, manifestly profitable to *Great Britain*; to the said Earl begs Leave humbly to remind Your Lordships, that they were communicated to the Parliament, and, with their Con-  
currence, agreed on: That the Peace, thus concluded, was (afterwards) highly approv'd by both Houses; that solemn Thanks were render'd to God for it in all our Churches, as well as in the Churches of the *United Provinces*; and that

Her

her Majesty received on this Subject, the hearty and unfeigned Congratulations of her People from all Parts of her Dominions.

These being the real Effects, and this a true Representation of her Majesty's Conduct, in the Affairs both of War and Peace ; the said Earl sees not how he, or any others, then in her Majesty's Service, can be justly charg'd with betraying the Interests of their own Country, and of the Allies, by negotiating and promoting that Peace, which then was, and (as he has good Grounds to believe) still continues to be very acceptable and advantageous to these Kingdoms ; and if the Peace it self be not condemned, and it be not even charged upon the said Earl as a Crime, that he advised her Majesty to conclude that Peace, (neither of which appear to him from the said Articles,) he humbly conceives it is a particular and extraordinary Hardship upon him, that rough Draughts and Essays towards a Peace, with other Preliminary Steps in a Negotiation, all leading to an End which he looks upon to be just and profitable, and which is not in any of the Articles alledg'd to be otherwise, should be brought into so many distinct Heads of Accusation against him. For supposing, that in the process of so nice and difficult an Affair, subject to divers unforeseen Obstructions and Events, any improper Steps had been taken, which the said Earl doth not admit, but altogether on his part denies, yet if Things were at last conducted to a right Issue, and ended in an honourable and advantageous Peace, there can be (as he conceives) no just Ground to find fault with the Measures made use of to compels it, because they seen'd before the Accomplishment to have a different Tendency ; especially if it be considered, that scarce any Peace hath been made by a Confederacy, where less Occasion was admistrisred for Jealousy among the several Parties, and less Reason given to complain, that every Nicety required, by the Letter of such an Alliance, was not strictly observ'd ; and therefore he humbly hopes, that no Steps taken for obtaining a Peace, approv'd by the Wisdom of former Parliaments, shall by any succeeding Parliament be accounted Criminal, unless it can be made appear that those Steps were taken contrary to the Queen's Orders, or upon corrupt Views of private Advantage ; but that no Charge of this Nature can be made

good against him, he presumes to affirm, with great assurance nor doe he know of any other Persons justly chargeable upon either of these Accounts. And as a farther Proof, that those who ha<sup>t</sup> the Honour to serve her Majesty in the Negotiations of Peace, acted with upright Views and Intentions, and without being conscious to themselves of any failure in their Duty, either to their Queen, or their Country: The said Earl craves leave to observe to your Lordships, That they never attempted to cover their Actions from publick Censure, by any Pardon or Indemnity, tho' they had very good Reason to believe, that had they judged, or imagin'd themselves to have wanted such Security, it might (thro' the Goodness of the Queen) have easily been obtain'd. Nor can he think it an Observation unfit to be made, that in few of the Articles which concern the Negotiations of Peace, the Charge is founded on any Breach of the Laws of *Great Britain*, but it is in most of them built chiefly on the supposed Infraction of certain Treaties and Alliances with foreign Princes or States; and he conceives that such Infractions of publick Treaties, where they do not particularly affect the Interests of *Great Britain*, being cognizable by the Laws of Nations only, and not by those of the Realm, are not wont to be examined into here at home, and prosecuted as Criminal, but upon the Complaint of some Prince or State, pretending by that means to be injur'd, and lodging such Complaint in some reasonable time with the Prince, by the Advice of whose Ministers and Servants such Injury is supposed to have been done; but he knows not that any such Steps have been taken since the Peace, by any of the Powers concern'd; on the contrary he believes that all the Allies, except the Emperor and Empire, made their Peace with the Enemy at the same time the Queen did, and that none of them did afterwards complain to her Majesty (who surviv'd the said Peace a Year and almost four Months) of any Hardships impos'd upon them in it. That the Princes of the Empire, who contributed very little to the War, might have concluded their Peace upon reasonable Terms at the same time the other Allies did, and would probably have done it, if the Emperor on his part had been willing to sign together with them, which he is inform'd, at the Conclusion of any General Peace, has been seldom done; and particularly at the several Conclusions of the Peace of *Munster*, that of *Nimeguen*, and that of *Ryswick* was not practiced. And he submits to your

your Lordships Consideration, Whether the Emperor, having had all reasonable and equitable Satisfaction made him for his Pretensions to the Succession of the Spanish Monarchy, according to the Terms of the Grand Alliance, could have any just Reason to complain of the Queen's Ministers, or those of her Allies, for concluding a Peace, without insisting, on his Account, upon impossible Conditions ; especially when no Provision was made, or offer'd to be made, to reimburse her Majesty any part of those vast Sums she had already expended in support of his Pretensions, whilst he fail'd of supplying his Quota, almost in every part of the War, notwithstanding his new and great Acquisitions. But whether the Emperor, or any other of the Allies had any just Ground of Complaint or not, still the said Earl presumes to insist, that it ought to have been signifyed to the Queen, who upon such Complaint, had she found any of her Servants justly blameable, as disobeying her Orders, or misleading her by their Advice, into unjustifiable and dishonourable Measures, might have punish'd them forthwith as their Offences deserv'd ; but nothing of this kind having been done, he humbly leaves it to be consider'd by your Lordships, whether the Silence of the Powers concern'd, doth not carry in it a strong Presumption, either that they had no real and just Ground of Complaint, in relation to the Terms of the Peace it self, or at least did not look upon the Ministers of the Queen as any ways liable to blame on that Account ; and therefore he must again beg leave to express to Your Lordships his Concern, that he should be charg'd as a Criminal, by the Laws of this Land, for supposed Breaches of Treaties with Foreign States, which never were complained of, as such, by the States themselves, during the Life of her Majesty. He desires farther to observe to your Lordships, That wherever He is charg'd with carrying on a private and separate Negotiation, 'tis all along understood with regard only to the States of the United Provinces, no step that was communicated to them being censur'd upon this Account ; whereas all the other Allies, had by virtue of their Treaties with the Queen, a like Right to a Communications of Councils ; and her Majesty was under no Stipulations to act more in concert with any one than with all of them. He does indeed allow it to have been most agreeable to Reason,

and to the Interests of State, that the Queen should act in a closer Conjunction with *Holland* than with any other of her Allies, because that next to *Great Britain*, *Holland* bore the greatest Share in the Charge of the War; but then he hopes it will be allow'd also, that the States being more interested in the Success of the War than *England*, and that *England* having submitted to a greater Share of the Burthen, in order to procure not only a fitting Security for the States, but such as brought great Advantages to them, tho' no Benefit to *England*, it was very reasonable for the Queen to take care of the Interest of her own Kingdoms some other way: And since the Advantages she demanded from the Enemy, were such as she might obtain, without any Prejudice to the States, it was as lawful for her to negotiate this Matter without communicating it originally, and in the first Rise of it to them, as it was for her and the States to concert their mutual Interests together, without the immediate and express Participation of the other Allies, which being known to be done without a Design to defeat any of the main Ends of the Alliance, was never complain'd of by any of the Confederates. And as for the Matters concerted previously with *France* for the particular Interest of *England* without the original Intervention of *Holland*, the States were so far from protesting against her Majesty's Measures, and condemning her Conduct in this Respect, that their Minister proffer'd several times in their Name to have led the Way, in the most difficult Part of the whole Negotiation, and to have done his utmost to facilitate the Conclusion of it, provided his Masters might have a Share in the *Affento* Contract and Trade to the Spanish West-Indies, one of those Advantages which *France* had discover'd its Willingness should be allow'd previously and entirely to *England*.

These few general Observations the said Earl has thought fit to add in the Close of his Answer to the several Articles of his Impeachment, not only in his own necessary Vindication, but also in Defence of her late Majesty's Conduct in the negotiating and concluding a Peace, the perfecting of which she esteem'd as the greatest Happiness of her Reign. Upon review of the 22 Articles with which he is charg'd, as he is not conscious of any Offence committed by him with respect

respect to any one of them, so it is with a particular Concern and Surprize that he reflects on those two, wherein he is accused of High Treason, for endeavouring to procure *Tournay* to *France*, and so deprive the States of that intended part of their Barrier ; and for procuring *Spain* and the *West-Indies* to the Duke of *Anjou*, upon his Renunciation of the Crown of *France*: Referring himself to what he has said in his Answer to both these Articles, he here further assures your Lordships (and thinks it is sufficiently known both at home and abroad) that his Opinion and Endeavour as Occasion offer'd, always were for *Tournay's* remaining, as it now does, to the States General ; and as to the latter, he doubts not but that what has lately happen'd in *France*, is a convincing Proof to your Lordship's, and to all the World, that the Renunciation was the best Expedient that could have been proposed towards hindring the Two Kingdoms from being united under one and the same Monarch, that that Branch of the Treaty which relates to this Expedient has fully answer'd its End, and made good the Character given of it by the Queen, *That it would Execute it self*; and therefore that whoever advised this method of separating the two Crowns, was so far from being Guilty of any traitorous Design, that he eminently promoted the Welfare of *Great Britain*, and the Good of *Christendom*. The said Earl, with all the Assurances of an innocent Man, begs leave to repeat, that as well in this as in all other Affairs of State, in which he had the Honour to be employ'd by her late Majesty, he ever acted according to the best of his Skill and Judgment, with sincere Desires and Intentions to serve the Publick, and without any View to his own private Advantage. As he was in several great Stations under her Majesty, he came into all of them by her own special Command, without his seeking or desiring them, and he serv'd in all with the utmolt Respect, Zeal and Faithfulness. And while he continu'd in these Stations for many Years, it was with great Wonder and Pleasure that he observ'd how her Majesty's whole Thoughts, Endeavours and Time were divided between her Duty to God, and Her Love to her People, whose Good and Security she prefer'd always to her own Ease, and often hazarded her Health and Life it self, to procure it. He knew that the most effectual way for any One

to recommend himself to her good Opinion, was, to act upon the same Principles of Justice and Love to his Country, that she did: And as she abhorr'd the Thoughts of any thing burthen-some or injurious to her People; so she often express'd her self with the greatest Satisfaction and Delight, when she reflected on the Advantages obtain'd by her for her own Subjects. and the Quiet and Repose she had gain'd for Europe, by that just and honourable Peace, for which, as the present Age does, so Generations to come will bless the Memory of that excellent and renowned QUEEN.

AFTER the Reading of this Answer, the Lords order'd the same to be enter'd in the Books of their House; and on Wednesday, the 7th of September, sent a Message to acquaint the Commons, That the Earl of Oxford and Earl Mortimer had put in his Answer to the Articles of Impeachment exhibited against him for High Treason and other High Crimes and Misdemeanors, and to deliver to the House of Commons a true Copy thereof. Hereupon the Commons order'd, That the said Answer be read upon Friday

\* Sept. 9th. \* Morning next; but the same was put off till Monday the 12th of September, when, the said Answer being read accordingly, there arose a small Debate. Mr. Walpole, among other things,

said, 'He had not yet had Time to peruse and examine that Answer, but that he now heard it read with a great deal of Attention and, in his Opinion, it contain'd little more than what had been suggested in Vindication of the Late Measures, in a Pamphlet intitl'd *The Conduct of the Allies*, and repeated over and over in the Papers call'd *The Examiner*. That the main Drift of this Answer seem'd to prove these two Assertions: First, That the Earl of Oxford had no share in the advising and managing the Matters mention'd in the Articles against him, but that the Late Queen did every thing;

thing ; and *Second'y*, That the Late Queen was a Wise, Good, and Pious Princess. That if the Second Proposition were not better grounded than the First, the Reputation of that excellent Princess would be very Preca-  
rious: But as every Body must own her to have been a Good and Pious Queen, so it was notorious that the Earl of *Oxford*, as Prime Minister, was the Chief Adviser, Promoter, and Manager, of the Matters charged upon him in the Articles : And therefore his Answer was a False and Malicious Libel, laying upon his Royal Mistress the Blame of all the pernicious Measures he had led her into, against her own Honour and the Good of his Country : That he hoped the Earl's Endeavouring to screen himself behind the Queen's Name, would avail him nothing : That 'tis, indeed, a fundamental Maxim of our Constitution, That *Kings can do no wrong* ; but that, at the same Time, 'tis no less certain, That *Ministers of State are accountable for their Actions* ; otherwise a Parliament would be but an empty Name ; the Commons should have no Business in that Place ; and the Government would be Absolute and Arbitrary. That tho' the Earl had the Assurance to averr, That he had no Share in the Management of Affairs that were transacted while he was at the Helm, yet he pretended to justify the Late Measures : And therefore, in that Respect, his Answer ought to be look'd upon as a Libel on the Proceedings of the Commons, since he endeavour'd to clear those Persons, who had already confess'd their Guilt by their Flight.' Mr. *Shipp'en*, a Creature of the Earl of *Oxford*, could not be altogether silent on this Occasion : He said, ' That it would not become him to defend the Earl's Answer, since, as a Member of that honourable Assembly, he was become one of his Accusers : But that he could not forbear wishing

‘ wishing, that this Prosecution might be dropt,  
 ‘ and that the House would be satisfy’d with the  
 ‘ Two Late Acts of *Attainder*. That this Wish  
 ‘ of his was the stronger, because one of the  
 ‘ Principal Reasons that induc’d the Commons  
 ‘ to impeach the Earl of *Oxford*, subsisted no  
 ‘ longer, the Affairs of *Europe* having receiv’d a  
 ‘ sudden Turn from the Death of the *French*  
 ‘ King; whereby the *Renunciation* of King  
 ‘ *Philip* began to take Place, in the Advance-  
 ‘ ment of the Duke of *Orleans* to the absolute  
 ‘ Regency of *France*.’ Mr. *Aislaby* answer’d  
 thereupon, ‘ He hop’d twas to little purpose  
 ‘ the Gentleman who spoke last, endeavour’d to  
 ‘ move the Pity and Compassion of the House,  
 ‘ and persuade them to drop this Prosecution.  
 ‘ That this was not a proper Time to examine  
 ‘ and reply to the Earl of *Oxford*’s Answer;  
 ‘ and therefore he would content himself with  
 ‘ saying, in general, That it was a Contexture  
 ‘ of the *Shifts*, *Evasions*, and *False Representa-*  
 ‘ *tions*, contain’d in the *Three Parts* of the + Hi-  
 ‘ story of the *White Staff*. That as to what had  
 ‘ been suggested, concerning the Event which  
 ‘ seem’d to have strengthen’d the *Renunciation*,  
 ‘ he did not deny, there might be something in  
 ‘ it; which was manifest from the great Joy the

+ A Pam-  
phlet written  
by Daniel De  
Foe, in Vindi-  
cation of the  
E. of Oxford.

‘ Well affected to the Government had shewn  
 ‘ on this Occasion, and from the Mortification  
 ‘ and Despair that appear’d in the Faces of a cer-  
 ‘ tain Party: But that, after all, it could not  
 ‘ yet be ascertain’d, That the *Renunciation* was  
 ‘ in Force; that there was a vast Difference be-  
 ‘ between the *Regency* and the *Crown*; that  
 ‘ Time only would decide that Matter; but that  
 ‘ even supposing that, by the Concurrence of  
 ‘ unforeseen Events, King *Philip*’s *Renunciation*  
 ‘ should, at last, take Place, yet the same  
 ‘ would not justify the Ministers who proposed  
 ‘ and laid it as the Foundation of the Late  
 ‘ Peace, since they with whom they treated,

‘ were

' were so frank and so sincere as to tell them,  
 ' That it could never be valid, by the Funda-  
 ' mental Law of France.' After some other Speech-  
 es, it was order'd, 1st, ' That the Answer of  
 ' Robert E. of Oxford and E. Mortimer, be re-  
 ' ferr'd to the Committee appointed to draw up  
 ' Articles of Impeachment and prepare Evidence  
 ' against the Impeached Lords; ' 2dly, ' That  
 ' the said Committee do prepare a Replication to  
 the said Answer.' Accordingly, on Friday the  
 16th of September, Mr. Walpole, from the  
 said Committee, reported the said Replication,  
 which he read in his Place, and afterwards de-  
 liver'd in at the Table, where the same was  
 read, agreed unto, and order'd to be engross'd.  
 Three Days + after, the Engrossed Replication + Sept. 19th  
 was read, and order'd, That the Ld. Coningsby  
 do carry the same to the Lords: Which His  
 Lordship did accordingly. The said Replication  
 is as follows:

**The Commons REPLICATION to the Answer of Robert Earl of Oxford and Earl Mortimer.**

**T**HE Commons have consider'd the Answer of Robert E. of Oxford and E. Mortimer, to the Articles of Impeachment exhibited against him, by the Knights, Citizens, and Burghesses, in Parliament assembled; and do with Astonishment observe, That the said Earl, instead of giving a Reasonable and Pertinent Answer, to the just and heavy Charge brought against him, by the Commons of Great Britain, has presum'd not only to deny his advising and being concern'd in any Matters of State, in the Articles charged against him, tho' confessed to be under an Administration, wherein he was notoriously the First Minister and Chief Director: But has also joined therewith a False and Malicious Libel, laying upon his Royal Mistress the Blame of every thing, which, by imposing upon her, he had effected against her Honour, and

the Good of his Country; thereby attempting to reflect upon the Honour and Justice of the House of Commons, and to cast an Odium upon their Proceedings against him, as tending to asperse the Memory of the Late Queen.

Bnt the Commons are of Opinion, that if it were possible to add to the heavy Load of Guilt, in which the Treasons, and other most flagitious Crimes, committed by the said Earl, have already involved him; this base and ungrateful Attempt to impute them to his Royal Mistress, must bring such a new Weight of Infamy upon him, and so justly provoke the Indignation of the Commons, that they might think themselves oblig'd to demand Your Lordships Immediate Justice, for this unwarranted Attempt upon the Honour of the Late Queen, and the Proceedings of Parliament.

But the Commons being sensible, that the Treasons and other Crimes whereof the said Earl stands impeached, and the Necessity of bringing him to speedy and exemplary Justice, require that all Occasions of Delay should be avoided; and not doubting that Your Lordships will, in due Time, vindicate the Honour of the Late Queen and of the Commons of Great Britain, and the Justice of their Proceedings; the Commons do aver their Charge against the said Earl of Oxford and Earl Mortimer, for High Treason, and other High Crimes and Misdemeanors, to be true; and that the said Earl is guilty of all and singular the Articles and Charges therein respectively contained, in such manuer as he stands impeached; and that the Commons will be ready to prove their Charge against him, at such Convenient Time and Place appointed for that Purpose.

† Sept. 20th.

*Report from the Committee of Secrecy relating to the Impeachment of the Impeached Lords, pur-*

The next † Day, Mr. Walpole reported from the Committee appointed to draw up Articles of Impeachment, and to prepare Evidence against the Impeached Lords, That they having, pursuant to the Order of Reference from the of Mr. Prior. House, consider'd of the State and Circumstances

stances of the Commitment of Mr. Prior, thought proper to make the following Report thereupon to the House.

That in the Perusal and Examination of the several Books and Papers referred to the Committee of Secrecy, Mr. Prior appeared, through the whole Progress of the separate and pernicious Negotiations, carried on between the Ministers of Great Britain and France, to have been principally concerned, as an Agent and Instrument of those evil and traiterous Counsellors, some of which are already attainted, and others stand impeached of High Treason and other High Crimes and Misdemeanors: And the Committee conceiving there were Matters contained in the First General Report, from which Crimes of a very high Nature might be justly charged and imputed to the said Mr. Prior, whenever the House should think proper to enter into that Consideration, as likewise that Mr. Prior was able to give great Lights into all those dark and secret Transactions, when he should be called upon by the Great Council of the Nation, or any Committee appointed by them, to give an Account of the Negotiations in which he was concerned as a publick Minister: The House, upon a Motion from the Committee for that Purpose, was pleased to order, before the Report was made, that Mr. Prior should be taken into Custody of the Serjeant at Arms, to prevent his making his Escape, upon Notice of what was contained in the Report.

That this Method of confining Mr. Prior is not only agreeable to former Precedents upon the like Occasions, but necessary and essential to that great Duty and Privilege of the House of Commons, of redressing Grievances, and bringing great Offenders to Justice.

That the Committee did, sometime after, pursuant to the Powers given them by the House, proceed to examine Mr. Prior concerning several Matters, of which there can be no doubt but he was fully apprised and acquainted with; in which

Examination Mr. Prior did behave himself with such Contempt of the Authority of Parliament, and prevaricate in so gross a manner, as most justly to deserve the highest Displeasure of the House.

But finding at last, after an Examination of several Hours, that it was impossible for him to disguise or conceal some Facts that were before the Committee, he was induced to declare upon Oath some Truths, which will be very material Evidence upon the Tryals of the Impeached Lords.

And the Committee having Notice, that Mr. Prior had, during his first Confinement, met and conferred with the E. of Oxford, and his nearest Relations and Dependants, which Mr. Prior confess'd to be true, thought it their Duty to move the House that Mr. Prior might be committed to Closer Custody.

From this short State of the Proceedings relating to Mr. Prior, the Committee submits it to the Wisdom of the House, Whether his Behaviour has so far merited the Favour and Mercy of the House, as to make that Confinement more easy to him, which his Contempt of the Commons of Great Britain, and his notorious Prevarication, most justly brought him into. And it seems worthy of Consideration, how far it may be thought adviseable for the House of Commons to set at Liberty a Person in their Custody, and committed according to the ancient Methods and Practice of Parliament; who is a material Evidence against high Offenders, under Prosecution of the Commons of Great Britain, and who, there is great Reason to apprehend, would immediately withdraw himself, and, as far as in him lay, defeat the Justice of the Nation.

After the Reading of this Report, the Commons order'd, 'That the Committee appointed to draw up Articles of Impeachment, and to prepare Evidence against the Impeach'd Lords, be empower'd to sit, notwithstanding any Adjournment of the House.'

A Week \* before, the Lords having sent \* Sept. 13<sup>th</sup>.  
 for the Lieutenant of the Tower, and demanded of him, and of the Ussier of the Black-Rod, at their own Bar, whether James Duke of Ormonde, or Henry Viscount Bolingbroke, had surrendered themselves to either of them, pursuant to the Limited Time given them; and being answer'd, They had not : Their Lordships The Names thereupon order'd the Earl Marshal to raze out and Coats of of the List of Peers, the Names and Coats of Arms of the Arms of James Duke of Ormonde, &c. and of Henry Viscount Bplingbroke. Inventories were also order'd to be taken of their Personal E- states : and the Atchievement of the Duke of Ormonde, as Knight of the most Noble Order of the Garter, to be taken down from St. George's Chappel at Windsor.

By this Time the Court had undoubted Information, Than an open Rebellion was broke out in Scotland, that was to be supported by a great Conspiracy in England ; of both which I shall give but a short Account in this Place. Among the Scotch Peers, few made earlier Professions of their Loyalty and Affection to King GEORGE, than the Earl of Mar, as appears by the following Letter from his Lordship to His Majesty.

*The Earl of  
Marr's Letter to King  
George.*

SIR,

Having the Happiness to be your Majesty's Subject, and also the Honour of being one of your Servants, as one of your Secretaries of State, I beg leave to Kiss your Majesty's Hand, and congratulate your happy Accession to the Throne; which I would have done my self the Honour of doing sooner, had I not hop'd to have had the Honour of doing it personally e're now.

I am afraid I may have had the Misfortune of being misrepresented to your Majesty, and my reason

reason for thinking so, is, because I was, I believe, the only one of the late Queen's Servants, who your Ministers here did not visit, which I mentioned to Mr. Harley, and the E. of Clarendon when they went from hence to wait on Your Majesty, and Your Ministers carrying so to me was the Occasion of my receiving such Orders as depriv'd me of the Honour and Satisfaction of waiting on them, and being known to them.

I suppose I had been misrepresented to them by some here upon Account of Party, or to ingratiate themselves by aspersing others, as our Parties here too often occasion; but I hope your Majesty will be so Just as not to give Credit to such Misrepresentations.

The Part I acted in the bringing about and making of the Union, when the Succession to the Crown was settled for Scotland on Your Majesty's Family, where I had the Honour to serve as Secretary of State for that Kingdom, doth, I hope, put my Sincerity and Faithfulness to Your Majesty out of Dispute.

My Family hath had the Honour for a great tract of Years to be faithful Servants to the Crown, and have had the Care of the King's Children (when Kings of Scotland) intrusted to them. A Predecessor of mine was honour'd with the Care of your Majesty's Grandmother when young; and she was pleased afterwards to express some Concern for our Family in Letters which I still have under her own Hand.

I have had the Honour to serve Her late Majesty in one Capacity or other ever since her Accession to the Crown, I was happy in a good Mistress, and she was pleased to have some Confidence in me, and regard for my Services: And since your Majesty's happy Accession to the Crown, I hope you will find that I have not been wanting in my Duty in being instrumental in keeping Things quiet,

quiet and peaceable in the Country to which I belong, and have some Interest in.

Your Majesty shall ever find me as faithful and dutiful a Subject and Servant as ever any of my Family have been to the Crown, or as I have been to my late Mistress the Queen. And I beg Your Majesty may be so good not to believe any Misrepresentations of me, which nothing but Party Hatred and my Zeal for the Interest of the Crown doth occasion; and I hope I may presume to lay Claim to Your Royal Favour and Protection.

As Your Accession to the Crown hath been quiet and peaceable, may Your Majesty's Reign be long and prosperous, and that Your People may soon have the Happiness and Satisfaction of your Presence among them, is the earnest and fervent Wishes of him, who is with the humblest Duty and Respect, SIR,

Your Majesty's most faithful, most dutiful and most obedient Subject and Servant,  
MAR,

Whitehall, Aug. 30.

O. S. 1714,

But notwithstanding these Solemn Assurances of Duty and Fidelity, the Earl of Mar was the first who broke his bounden Allegiance to King *GEORGE*, and traiterously set up the Standard of the Pretender. About the Beginning of *August*, 1715 his Lordship, with Major General *George Hamilton*, and Two Servants, embark'd in the River *Thames* on board a Collier, and arriving, in Two or Three days, at *Newcastle*, hired there a Vessel, which set him and his Company, on Shore at *Creil*, in the Shire of *Fife*. Soon after his Landing, he was attended by some of his Friends, and so reach'd his Seat in the Country of *Braemar*,

*The Earl of Mar, goes to the Highlands in Scotland.*

were

where in a few Days, most of the Scotch Noblemen and Gentlemen avowedly disaffected to the present Government, resorted to him : Particularly, the Marquesses of Huntley and Tullibardine ; the Earls of Nithsdale, Linthlithgow, Traquair, Southesk, Marischal, and Carnwarth, the Viscounts Kilsyth, Kenmure, Kingston, and Stormount, and the Lords Drummond and Rollo.

Upon the News of the Earl of Mar's being in the Highlands, and the Report of his having drawn together a Body of 5 or 6000, Men, Orders were immediately dispatch'd to Edinburgh <sup>Measures taken to secure for apprehending several suspected Persons pursuant to which the Earls of Hume, Wigton and Kinnoul, the Lord Deskford, (eldest Son to the Earl of Findlator and Seafield) Mr. Lockhart, and Mr. Hume, of Whitfield, were taken up and committed Prisoners to the Castle of Edinburgh.</sup>

Orders were, on the other Hand, sent to Major General Whetham, Commander in Chief in Scotland, forthwith to march, with all the regular Troops that could be spared, to form a Camp near Stirling, to secure the Bridge over the Forth ; and to quarter the Half-Pay Officers in such a manner, that they might be in a readiness to command the *Militia* : Which was done accordingly. At the same time, the Custom-House Officers were directed to have a Watchful Eye on all Ships, the Court having certain Intelligence, that there were several Vessels laden with Arms and Ammunition, for the Use of the Pretender, ready to sail from the Port of *Havre-de-Grace*, for Scotland. But notwithstanding, all the Precautions used by the Government, on the 29th of August, the Lord Justice Clerk had Advice from Montrose, that one of those Ships was arrived at Arbroath in the North, where she was immediately unloaded by *Highlanders*, sent thither for that purpose.

purpose, who carry'd the Arms and Ammunition to the Country of Brae-mar. A few Days after another Ship landed several Officers, who went to join the Earl of Marr, and gave him, and the Lords with him, Assurances that the Pretender would soon be in Person amongst them.

Upon these and other Encouragements, and the confident Expectation of a general Rising of the Dissaffected in England, on the 3d of September, the Earl of Mar, with his Associates, held a Meeting at Aboyne in the Shire of Aberdeen, where, under Pretence of consulting for their own Safety, they concerted Measures to draw their Forces together, and declare for the Pretender. Accordingly, on the 6th of September, the Earl of Mar set up the Standard of the Pretender, and caused him to be proclaimed at Brae-mar; as he was afterwards at other Places, particularly at Perth, by Colonel <sup>The Pretender</sup> Balfour; at Aberdeen, by the E. of Marischal; at Dundee, by Viscount Dundee; at Montrose, by the Earl of Southesk; at Forres, by Sir William Gordon, &c. On the other hand, the E. of Mar took upon him the Title of Lieut. Gen. of the Pretender's Forces, and, as such, publish'd the following Declaration; which he sent with a Letter, to the Baillie of Kildrummie.

### The Earl of MAR's Declaration.

OUR Rightful and Natural King James the Eighth, by the Grace of God, who is now Mar's Declas coming to relieve us from our Oppressions, having ration. been pleased to intrust us with the Direction of his Affairs, and the Command of his Forces in this his ancient Kingdom of Scotland: And some of his Faithful Subjects and Servants met at Aboyne, viz. The Lord Huntley, the Lord Tullibardine, the Earl Marischal, the Earl of Southesk, Glingary

Glingary from the Clans, Glenderule from the Earl of Broadalbine, and Gentlemen of Angleshire, Mr. Patrick Lyon of Auchterhouse, the Laird of Auldbair, Lieutenant General George Hamilton, Major General Gordon, and my self, having taken into Consideration His Majesty's last and late Orders to us, find, that as this is now the Time that he ordered us to appear openly in Arms for him, so it seems to us absolutely necessary for His Majesty's Service, and the relieving of our native Country from all its Hardships, that all his faithful and loving Subjects, and Lovers of their Country, Should with all possible Speed put themselves into Arms.

These are therefore, in His Majesty's Name and Authority, and by Virtue of the Power aforesaid, and by the King's special Order to me thereunto, to require and impower you forthwith to raise your Fencible Men, with their best Arms, and you are immediately to march them to join me and some other of the King's Forces, at the Inver of Brae-mar, on Monday next, in order to proceed in our March to attend the King's Standard, with his other Forces,

The King intending that his Forces shall be paid from the Time of their setting out, he expects, as he positively orders, that they behave themselves civilly, and commit no Plundering nor other Disorders, upon the Highest Penalties and his Displeasure, which is expected you'll see observed.

Now is the Time for all good Men to shew their Zeal for His Majesty's Service, whose Cause is so deeply concerned, and the Relief of our native Country from Oppression and a Foreign Yoke, too heavy for us and our Posterity to bear, and to endeavour the restoring not only of our rightful and native King, but also our Country to its ancient, free, and independent Constitution, under him whose Ancestors have reigned over us for so many Generations.

In so honourable, good, and just a Cause, we cannot doubt of the Assistance, Direction, and Blessing of Almighty God, Who has so often rescued the Royal Family of Stuart, and our Country from sinking under Oppression.

Your punctual Observance of these Orders is expected, for the doing of all which, this shall be to you, and all you employ in the Execution of them, a sufficient Warrant.

To the Baillie and  
the rest of the  
Gentlemen of  
the Lordship  
of Kildrummy.

Given at Brae-mar the  
Ninth of Sept. 1715.  
*Mar.*

The Earl of Mar's LETTER to his Baillie of  
Kildrummy.

*Invercauld, Sept. 9. at Night, 1715.*

Jocke,

YE was in the right not to come with the 100 Men ye sent up to Night, when I expected Four Times the Number. It is a pretty thing, when all the Highlands of Scotland are now rising upon their King and Country's account, as I have Accounts from them since they were with me, and the Gentlemen of our Neighbouring Lowlands expecting us down to join them, that my Men should be only refractory. Is not this the thing we are now about, which they have been wishing these 26 Years, and now, when it is come, and the King and Country's Cause at Stake, will they for ever sit still, and see all perish?

I have us'd Gentle Means too long, and so I shall be forced to put other Orders I have in Execution: I have sent you enclosed an Order for the Lordship of Kildrummy, which you are immediately to intimate to all my Vassals; if they give ready Obedience it will make some amends, and if not, ye may tell them from me, that it will not be in my power to save them (were I willing) from being treated as Enemies, by those who are ready soon

to join me ; and they may depend on it, that I will be the First to propose and order their being so. Particularly, let my own Tenants in Kildrummy know, that if they come not forth with their Best Arms, that I will send a Party immediately, to burn what they shall miss taking from them : And they may believe this not only a Threat, but, by All That's Sacred, I'll put it in execution, let my Loss be what it will, that it maybe an Example to others. You are to tell the Gentlemen that I'll expect them in their Best Accoutrements, on Horseback, and no Excuse to be accepted of. Go about this with all Diligence, and come your self and let me know your having done so. All this is not only as ye will be answerable to me, but to your King and Country,

Your assured Friend and Servant,  
Sic subscrabitur.

MAR.

To John Forbes of  
Increrat, Baillie of  
Kildrummy.

A few Days after the Earl of Mar publish'd the following *Manifesto*.

*MANIFESTO* by the Noblemen, Gentlemen, and others, who durifuly appear at this Time in asserting the undoubted Right of their Lawful Sovereign, James the Eighth, by the Grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith, &c. and for relieving this his ancient Kingdom, from the Oppressions and Grievances it lies under.

HIS Majesty's Right of Blood to the Crowns of these Realms, is undoubted, and has never been disputed or arraign'd by the least Circumstance or Lawful Authority.

By the Laws of God, by the ancient Constitutions, and by the positive unrepeal'd Laws of the Land, we are bound to pay His Majesty the Duty of loyal Subjects : Nothing can absolve us from

from this our Duty of Subjection and Obedience. The Laws of God require our Allegiance to our Rightful King, the Laws of the Land secure our Religion and other Interests; and His Majesty giving up himself to the Support of his Protestant Subjects, puts the Means of securing to us our Concerns Religious and Civil, in our own Hands.

Our Fundamental Constitution has been entirely alter'd, and sunk, amidst the various Shocks of unstable Faction, while, in the searching out new Expedients, pretended for our Security, it has produc'd nothing but daily Disappointments, and has brought us and our Posterity under a precarious Dependance upon Foreign Councils and Interests, and the Power of Foreign Troops.

The late unhappy Union, which was brought about by the Mistaken Notions of some, and the Ruinous and Selfish Designs of others, has prov'd so far from lessening and healing the Differences betwixt His Majesty's Subjects of *Scotland* and *England*, that it has widen'd and increas'd them; and it appears, by Experience, so inconsistent with the Rights, Privileges, and Interests of Us, and our good Neighbours and Fellow-Subjects of *England*, that the Continuance of it must inevitably ruin us, and hurt them, nor can any way be found out to relieve us, and restore our Ancient and Independent Constitution, but by the restoring our rightful and natural King, who has the only undoubted Right to reign over us; neither can we hope that the Party, who chiefly contribute to bring us into Bondage, will, at any Time, endeavour to work our Relief, since it's known how strenuously they oppos'd, in Two Late Instances, the Efforts that were made by all *Scotsmen*, by themselves, and supported by the Best and Wisest of the *English*, towards so desirable an End, as they will not adventure openly to disown the Dissolution of the Union to be.

Our Substance has been wasted in the late ruinous Wars, and we see an unavoidable Prospect of having Wars continued on us, and our Posterity, so long as the Possession of the Crown is not in the Right Line.

The Hereditary Rights of the Subjects, tho' confirmed by Conventions and Parliaments, are now treated as of no Value or Force; and past Services to the Crown and Royal Family, are now look'd upon as Grounds of Suspicion.

A pack'd-up Assembly, who call themselves a *British Parliament*, have, so far as in them lies, inhumanely murder'd their own, and our Sovereign, by promising a great Sum of Money as the Reward of so execrable a Crime.

They have proscrib'd, by Unaccountable and Groundless Impeachments and Attainders, the worthy Patriots of England, for their honourable and successful Endeavours to restore Trade, Plenty, and Peace, to these Nations.

They have broken in upon the sacred Laws of Both Countries; by which the Liberty of our Persons was secur'd; they have empower'd a Foreign Prince (who, notwithstanding of his Expectations of the Crown for 15 Years, is still unacquainted with our Manners, Customs, and Language) to make an absolute Conquest (if not timously prevented) of the Three Kingdoms, by investing himself with an unlimited Power, not only of raising Unnecessary Forces at Home, but also of calling in Foreign Troops, ready to promote his uncontrollable Designs: Nor can we be ever hopeful of its being otherwise, in the Way it is in at present, for some Generations to come. And the sad Consequences of these unexampled Proceedings have really been so fatal to great Numbers of our Kinsmen, Friends, and Fellow-Subjects of Both Kingdoms, that they have been constrain'd to abandon their Country, Houses, Wives, and Children, or give themselves up Prisoners, and perhaps Victims, to be sacrific'd at the Pleasure of Foreigners, and a few hot headed Men, of a restless Faction, whom they employ.

Our Troops abroad, notwithstanding of their long and remarkable good Services, have been treated, since the Peace, with Neglect and Contempt, and particularly in Holland; and it's not now the Officers long Service, Merit, and Blood they have lost, but Money and Favour by which they can obtain Justice in their Preferments; so that it's evident the Safety of His Majesty's Person, and Independency of his Kingdoms, call loudly for immediate Relief and Defence.

The Consideration of these unhappy Circumstances, with the due Regard we have to common Justice, the Peace and Quiet of us, and our Posterity, and our Duty to His Majesty and his Commands, are the powerful Motives which have engag'd us in our present Undertaking, which we are firmly and heartily resolv'd to push to the utmost, and stand by one another.

another to the last Extremity, as the only solid and effectual means of putting an end to so dreadful a Prospect; as by our present Situation we have before our Eyes: And with faithful Hearts true to our only Rightful King, our Country, and our Neighbours, We earnestly beseech and expect (as his Majesty Commands) the Assistance of all our true fellow Subjects to Second this our first Attempt, declaring hereby our Sincere intentions that we will promote, and concur in all lawful means, for settling a lasting Peace to these Lands, under the Auspicious Government of our Native Born Rightful Sovereign, the Direction of our own Domestick Councils, and the Protection of our Native Forces and Troops.

That we will, in the same manner Concur and endeavour To have our Laws, Liberties, and Properties secur'd by the Parliaments of both Kingdoms; That by the Wisdom of such Parliaments, We will endeavour to have such Laws enacted, as shall give absolute Security to us, and future Ages, for the Protestant Religion, against all Efforts of Arbitrary Power, Popery, and all its other Enemies. Nor have we any reason to be distrustful of the Goodness of God, the Truth and Purity of our holy Religion, or the known Excellency of his Majesties Judgment, as not to hope, that in due time good Example, and Conversation with our Learned Divines, will remove these Prejudices, which we know his Education in a Popish Country, has not rivetted in his Royal discerning Mind; And we are sure, as Justice is a Virtue in all Religions, and Professions, so the doing of it to him, will not lessen his good Opinion of ours.

That as the King is willing to give his Royal Indemnity for all that is past, so he will cheerfully concur in passing General Acts of Oblivion, that our fellow Subjects, who have been misled, may have a fair Opportunity of living with us, in the same Friendly manner, we design to live in with them.

That we will use our Endeavours, for redressing the bad Usage of our Troops abroad, and bringing the Troops at home to be on the same foot and Establishment of Pay, as those of England.

That we will sincerely and heartily go into such measures, as shall maintain effectually and establish a right, firm, and lasting

lasting Union, betwixt his Majesty's ancient Kingdom of *Scotland*, and our good Neighbours and fellow Subjects of the Kingdom of *England*.

The Peace of these Nations being thus settled, and we thus freed from Foreign Dangers, we will use our endeavours to have the Army reduc'd to the usual Number of Guards and Garrisons; And will concur in such Laws and Methods, as shall relieve us of the heavy Taxes and Debts, now lying upon us, and at the same time will support the Publick Credit in all its Parts.

And we hereby faithfully promise and engage, That every Officer, who joins with us, in our King and Country's Cause, shall not only enjoy the same Post he now does, but shall be advanc'd and preferr'd according to his Rank, and Station; and the number of Men he brings off with him to us, and each Foot Souldier so joining us, shall have 20 Shillings Sterling, and each Trooper or Dragoon, who brings Horse and Accoutrements along with him, 12 Pound Sterl. Gratuity besides their Pay.

And in general, we shall concurr with all our fellow Subjects, in such measures, as shall make us flourish at home, and be formidable abroad, under our Rightful Sovereign, and the Peaceable Harmony of our ancient Fundamental Constitution, undisturb'd by a Pretender's Interests and Councils from abroad, or a Restless Faction at home.

In so Honourable, so Good, and Just a Cause, We do not doubt of the Assistance, Direction, and Blessing of Almighty God, who has so often Succour'd the Royal Family of *Stuarts*, and our Country, from sinking under Oppression.

Besides

Besides the Measures concerted among the Heads of the *Highland-Clans*, a Conspiracy was form'd at *Edinburgh*, to surprize the Castle there, on the 8th of September, between 11 and 12 at Night; which, by the Care and Vigilance of the Lord Justice Clerk, who had early Notice of it, was happily prevented. The Design was to mount the Wall on the West Side of the Castle, by Rope-Ladders provided for that Purpose, which were to be pulled up by Lines let down from within by some Soldiers belonging to the Garrison, who had been corrupted. The Conspirators did accordingly rendezvous at the Foot of the Castle-Wall, at the Time appointed; and a Rope was let down and fixed to one of the Ladders: But the Lord Justice Clerk having sent Intimation of this Design to Colonel *Stuart*, Lieutenant-Governour of the Castle, the Latter order'd the Officers under him to double their Guards, and to make diligent Rounds. Accordingly Lieutenant *Lindsey*, as he was going the Round, found one of the Soldiers, who had been debauch'd, actually drawing up the Ladder, in order to fix it to the Top of the Wall; upon which he order'd the Centinel next him to fire, which giving the Alarm, the Conspirators dispers'd and fled. But a Party of the Town-Guard, which, at the Request of the Lord Justice Clerk, the Provost had sent out to patroll, with some resolute Volunteers, coming up, found one Captain *Mac-clean*, formerly an Officer under *Dundee*, sprawling on the Ground, and bruised with a Fall from the Wall, whom they secured, with Three others of his Accomplices. They likewise found the Ladders, and about a Dozen of Firelocks and Carbines, which the Conspirators had thrown away, in order to make their Escape the better. One Sergeant, one Corporal, and Two Private Soldiers of the Garrison were also secured; and, by the Confessions of the Persons seized, it appeared that the Number engaged in this Attempt was about Eighty, of

*Conspiracy to  
seize the Castle  
of Edinburgh  
prevented and  
discover'd.*

which about Half were *HIGHLANDERS*. That one Mr. *Arthur*, formerly an Ensign in the Castle, and afterwards in the *Scotch Guards*, engaged the Soldiers in the Conspiracy, by promising the Sergeant a Lieutenant's Place ; the Corporal an Ensign's ; and by giving one of the Soldiers Eight Guineas, and the other Four. That the Lord *Drummond* was to be Governor of the Castle, as being the Contriver of the Design ; and that, upon the Success of it, the Conspirators were to fire Three Rounds of the Artillery in the Castle, which, by the Communication of Fires to be kindled at convenient Distances, was to be a Signal for the Earl of *Mar* immediately to march towards *Edinburgh* with his Forces, to improve the Consternation and Terror which such an Accident would have struk among the Well-affected to King *George*.

By this Time a far more dangerous and more horrid Conspiracy was discover'd, and happily prevented in *England*; the Particulars of which cannot be related in this Place. Let it suffice here to take notice, That on the 2d of September Lieutenant Colonel *Paul*, who had a Company in the First Regiment of Foot-Guards, was secured, and, the next Day, committed Prisoner to the *Gate-House*, being charg'd with enlisting Men for the Pretender's Service, and other Treasonable Practices. That on Sunday the 4th of September, the titular Duke of *Powis*, a Roman Catholick, was also taken into the Custody of one of His Majesty's Messengers, and Ten Days after, \* committed to the Tower for High Treason. That on the 21st of September the Lord *Lansdowne*, and the Lord Viscount *Duplin*, were also taken into the Custody of Messengers ; and that a Warrant was issued to apprehend the Earl of *Jersey*.

\* Sept. 14th. The D. of Powis committed to the Tower.

The Lords *Lansdowne*, *Duplin*, and *Jersey*, apprehended.

Mr. Secretary *Stanhope* acquainted the Commons, That he was commanded by the King to communicate to this House, That His Majesty having just Cause to suspect

that Sir Wm. Wyndham, Sir John Pakington,  
 Mr. Edward Harvey, Sen. of Combe, Mr.  
 Thomas Forster, Jun. Mr. John Anstis, and  
 Mr. Corbet Kynaston, are engaged in a Design  
 to support the intended Invasion of this King-  
 dom, hath given Order for appreending  
 them; and His Majesty desires the Consent  
 of this House to his causing them to be com-  
 mitted and detained, if he shall judge it neces-  
 sary so to do, in pursuance of the late Act of  
 Parliament for empowering His Majesty to  
 commit and detain such Persons as His Maj-  
 esty shall suspect are conspiring against his Per-  
 son and Government.' Hereupon it was re-  
 solved, *Nenine contradicente*, That an humble  
 Address be presented to His Majesty, returning  
 the Thanks of this House for his gracious Mes-  
 sage this Day, and for his tender Regard to the  
 Privileges of this House; and to desire that he  
 will be pleased to give Orders for the commit-  
 ting and detaining the several Members named  
 in the said Message, pursuant to the Act of this  
 Session of Parliament for that purpose.

Hereupon Warrants were issued out for ap- *Warrants issu'd*  
 prehending the Six Members beforemention'd; *to apprehend*  
 Two of whom, who happen'd to be in Town, *them.*  
*viz.* Mr. Harvey of Combe, and Mr. Anstis,  
 were immediately secured.

The same \* Day, the Lords sent a Message to \* Sept. 21st.  
 acquaint the Commons, 'That Their Lordships *Scaffold or-*  
 having address'd His Majesty, humbly to de- *der'd to be.*  
 sire that he would be pleased to cause Di- *built in West-*  
 rections to be given to the proper Officers for *minster-Hall.*  
 preparing a Scaffold in *Westminster-Hall*, for the  
 Tryal of Robert Earl of Oxford and Earl  
 Mortimer, who now stands impeached, by this  
 House, of High Treason and other High  
 Crimes and Misdemeanors, His Majesty had  
 been graciously pleased to say, *He would give*  
*Directions to the Proper Officers pursuant to the*  
*said Address.*

The same Day, likewise, the King went to the House of Peers and the Commons attending, the Speaker, upon presenting the several Money Bills, made the following Speech to his Majesty :

Most Gracious Sovereign,

*The Speaker of  
the Commons  
bis Speech to  
His Majesty.*

YOUR Majesty's most dutiful and loyal Subjects, the Knights, Citizens, and Burgesses in Parliament assembled, have now finished the Supplies granted to Your Majesty for the Service of this present Year. Your Commons had much sooner offered these Supplies to Your Majesty, had not their Zeal for Your Majesty's Service; and the Duty they owe to their Country, led them into Enquiries which have drawn this Sessions to an unusual Length.

But your Commons could not see, without the utmost Indignation, the Glories of Her Late Majesty's Reign tarnished by a treacherous Cessation of Arms; the Faith of Treaties violated; that ancient Probity, for which the English Nation had been justly renowned throughout all Ages, exposed to Scorn and Contempt; and the Trade of the Kingdom given up by insidious and precarious Treaties of Commerce; whilst the People, amused with New Worlds explored, were contented to see the most advantageous Branches of their Commerce in Europe, lost or betray'd.

Such was the Condition of this Kingdom, when it pleased the Divine Providence to call Your Majesty to the Throne of your Ancestors, under whose auspicious Reign your Commons with Pleasure behold the Glories of the PLANTAGENETS (Your Majesty's Royal Ancestors) revive; and have an unbounded Prospect of the Continuance of this Happiness, even to the latest Posterity, in a Race of Princes lineally descended from Your Majesty.

And that nothing might be wanting on the part of your Commons, to establish Your Majesty's Throne on Solid and Lasting Foundations, they have apply'd themselves, with unwearied Diligence, to vindicate the Honour of the British Nation, and

to restore a mutual Confidence between this Kingdom and its ancient and faithful Allies, by detecting the Authors of these pernicious Counsels, and the Actors in these treacherous Designs, in order to bring them to Justice, by the Judgment of their Peers, according to the Law of the Land, and the Usage of Parliament.

It was not to be expected, but that the Enemies to the Nation's Peace would use their utmost Endeavours to obstruct your Commons in these Enquiries; but despairing of any Success in the Representative Body of the Kingdom, they fomented Tu-mults among the Dregs of the People at Home, and spirited up the Pretender to an Invasion from Abroad. This gave your faithful Commons fresh Opportunities of shewing their Affection to Your Majesty's Person, and their Fidelity to your Government, by their unanimous Concurrence in granting such Supplies as were sufficient to disappoint the one, and by their passing such Laws as were necessary to suppress the other; and, in every respect to express their Abhorrence of a Popish Pretender, concerning whom nothing remains unsuspected but his Bigotry to Superstition, and his Hatred to our holy Religion; for the Advancement of which Your Majesty has express'd your pious Care, by recommending to your Commons the providing a Maintenance for the Ministers who are to officiate in the New Churches. This your Commons readily comply'd with, trusting that the Prayers, there offer'd to the ALMIGHTY, will bring down a Blessing on all Your Majesty's Undertakings; and not doubting, but that the Doctrines there taught will be a Means to secure the Quiet of your Kingdoms, and the Obedience of your People.

The Revenues set apart for the Uses of the Civil Government, your Commons found so much intangled with Mortgages and Anticipations, that what remained was far from being sufficient to support the Honour and Dignity of the Crown: This your Commons took into serious Consideration, and being truly sensible, that on Your Majesty's Greatness the Happiness of your Subjects entirely depends, they have

have put the Civil Revenues into the same State, in which they were granted to Your Majesty's glorious Predecessor, King William, of Immortal Memory; and thereby enabled Your Majesty to make an ample Provision for the Prince of Wales, whose heroick Virtues are the best Security of Your Majesty's Throne, as his other Personal Endowments are the Joy of all your Faithful Subjects.

I should but ill discharge the Trust reposed in me by the Commons, did I not lay before Your Majesty with what Cheerfulness they received Your Majesty's gracious Intentions for Her Royal Highness the Princess, and with how much Readiness and Unanimity they enabled Your Majesty to settle a Revenue suitable to the Dignity of a Princess, whose Piety and steady Adherence to the Protestant Religion, is the Glory of the present Age, and will be the Admiration of all future Generations.

May it please Your Majesty,

The Bills which the Commons have prepared to compleat the Supplies for this Year's Service, and for the other Purposes I have mentioned, are severally intituled,

1. An Act to enable His Majesty to settle a Revenue for supporting the Dignity of Her Royal Highness, &c.

2. An Act for enlarging the Capital Stock and Yearly Fund of the South-Sea-Company, &c.

3. An Act for making Provision for the Ministers of the fifty new Churches &c.

Which they with all Humility now present to Your Majesty, for your Royal Assent.

After this His Majesty gave the Royal Assent to the three Acts before-mention'd, and to several publick and private Bills,

Then his Majesty was pleased to declare from the Throne, That he had order'd the Lord Chancellor to deliver His Majesty's Speech to Both Houses of Parliament, in His Majesty's Name and Words; which he did accordingly, as follows:

*My Lords and Gentlemen,*

*I* Am perswaded you are all by this time very desirous of some Recess, and that it cannot

be defer'd longer, without great Inconvenience to your Private Affairs.

But before I can part with you, I must return you my most Sincere Thanks for your having Finished, with so much Wisdom and Unanimity, what I recommended to your Care; And particularly I must Thank you, *Gentlemen of the House of Commons*, for the Provision you have made, as well for the Support of the Honour and Dignity of the Crown, as for the other necessary Occasions of the Publick; especially for your having done it by Means so little burdensome to my People; which, I assure you, recommends the Supplies to me above any other Circumstance whatsoever.

*My Lords and Gentlemen,*

The Open and Declared Rebellion, which is now actually begun in *Scotland*, must convince all, who do not wish to see us given up into the Hands of a Popish Pretender, of the Dangers to which we have been, and are still exposed.

I thought it Incumbent upon me, to give you the Earliest Notice of the Designs of Our Enemies, and I cannot sufficiently commend the Zeal and Dispatch with which you Impower'd me, at a Time when the Nation was in so Naked and Defenceless a Condition, to make such Preparations as I should think Necessary for Our Security. You shall have no reason to repent of the Trust and Confidence you repose in me, which I shall never use to any other End than for the Protection and Welfare of my People.

It was scarce to be Imagined, That any of my Protestant Subjects, who have Known and Enjoyed the Benefits of our Excellent Constitution, and have heard of the great Dangers they were wonderfully delivered from by the happy Revolution, should by any Arts and Management be drawn into Measures that must at once Destroy their Religion and Liberties, and Subject them to Popery and Arbitrary Power: but such

such has been Our misfortune, that too many of my People have been deluded, and made Instrumental to the Pretender's Designs, who had never dared to think of Invading us, or Raising a Rebellion, had he not been Encouraged by the Success his Emissaries and Adherents have already had in Stirring up Riots and Tumults, and by the further Hopes they entertain of Raising Insurrections in many Parts of my Kingdoms.

The Endeavouring to perswade my People, That the Church of *England* is in Danger under my Government, has been the main Artifice employed in Carrying on this Wicked and Traiterous Design. This Insinuation, after the Solemn Assurances I have given, and my having laid hold on all Opportunities to do every Thing that may tend to the Advantage of the Church of *England*, is both Unjust and Ungrateful; Nor can I believe so Groundless and Malicious a Calumny can make any Impression upon the Minds of my Faithful Subjects, or that they can be so far misled, as to think the Church of *England* is to be Secured by Setting a Popish Pretender on the Throne.

*My Lords and Gentlemen,*

The Proofs this Parliament has given of their Unshaken Duty and Affection to me, and of their Love and Zeal for the Interest of their Country, will recommend you to the good Opinion and Esteem of all who have their Religion and Liberty truly at Heart, and has laid a Lasting Obligation upon me; and I question not but by your further Assistance in the several Countries to which you are going, with the Blessing of Almighty God, who has so frequently Interposed in Favour of this Nation, I shall be Able to disappoint and defeat the Designs of Our Enemies.

Our Meeting again to do Business Early in the next Winter will be useful on many Accounts, particularly, that the Sitting of Parliaments may be again brought into that Season of the Year which is most convenient; and that as little Delay may be given as is possible to your Judicial Proceedings; and I shall at present give such Orders to my Ld. Chancellor, as may not put it long out of my Power to meet you on any Sudden Occasion.

*And then the Lord Chancellor, by His Majesty's Command, said,*

*My Lords and Gentlemen,*

**I**T is His Majesties Royal Will and Pleasure, That both Houses should forthwith severally adjourn themselves to Thursday the Sixth Day of October next.





## APPENDIX.

### I. The Queen to the Earl of Godolphin.

St. James's, April 13th, 1710.

Am sorry to find by your Letter, you  
are so very much in the Spleen, as to  
think you cannot, for the future, con-  
tribute any thing towards my Quiet,  
but your Wishes; however, I will still hope you will  
use your Endeavours: Never was there more Oc-  
cation than now; for by all one hears and sees eve-  
ry Day, as things are at present, I think one can  
expect nothing but Confusion. I am sure, for my  
part, I shall be ready to join with all my Friends in  
every thing that is reasonable, to allay the Heat and  
Ferment that is in this poor Nation. Since you  
went to Newmarket, I have receiv'd several As-  
surances from the Duke of S----y of his Readi-  
ness to serve me upon all Occasions, and his Wil-  
lingness to come into my Service; which Offer I was  
very glad to accept of, having a very good Opinion  
of him, and believing he may be of great Use in  
these troublesome Times. For these Reasons, I  
have resolv'd to part with the Duke of K-t, who,  
I hope, will be easy in this Matter, by being made  
a Duke; and I hope that this Change will meet with  
your Approbation, which I wish I may ever have in  
all my Actions. I have not yet declared my Intentions  
of giving the Staff and the Key to the Duke

of S----y, because I would be the First that  
should acquaint you with it.

*The Earl of Godolphin to the QUEEN.*

*Newmarket, April 15. 1710.*

‘ I Have the Honour of Your Majesty’s Let-  
ter of the Thirteenth, by which I have  
the Grief to find that which you are pleased to  
call *Spleen*, in my former Letter, was only a  
true Impulse and Conviction of Mind, that  
Your Majesty is suffering your self to be  
guided to your own Ruin and Destruction, as  
fast as it is possible for them to compass it, to  
whom you seem so much to hearken.

‘ I am not therefore so much surprized as con-  
cerned, at the *Resolution* which Your Majesty  
says you have taken, of bringing in the Duke  
of S----y; for when People began to be sensi-  
ble it would be difficult to persuade Your Ma-  
jesty to dissolve a Parliament, which, for Two  
Winters together, had given you above Six  
Millions a Year for the Support of the War,  
upon which your Crown depends, and even  
while that War is still subsisting, they have had  
the Cunning to contrive this Proposal to Your  
Majesty, which, in its Consequence, will cer-  
tainly put you under a Necessity of breaking  
the Parliament, tho’ contrary, I yet believe, to  
your own Inclination.

‘ I beg Your Majesty to be persuaded, I do  
not say this out of the least Prejudice to the  
Duke of S---y; there is no Man of whose Ca-  
pacity I have had a better Impression, nor with  
whom I have lived more easily for above  
Twenty Years.

‘ Your Majesty may please to remember, that  
at your first Coming to the Crown, I was de-  
sirous he should have had one of the Chief  
Posts in your Service; and it would have been  
‘ happy

happy for Your Majesty and the Kingdom, if he had accepted that Offer ; but he thought fit to decline it ; and the Reasons generally given at that Time, for his doing so, do not much recommend him to Your Majesty's Service. But I must endeavour to let Your Majesty see Things as they really are : And to bring him into your Service, and into your Business, at this Time, just after his being in a publick open Conjunction, in every Vote, with the whole Body of the *Tories*, and in private constant Correspondence, and Caballing with Mr. *Harley* in every thing ; what Consequence can this possibly have, but to make every Man that is now in your Cabinet uneasy, and run from it as they would do from the Plague ? I leave it to Your Majesty to judge, what Effect this entire Change of your Ministry will have among your Allies Abroad, and how will this War be like to be carried in their Opinion, by those who have all along opposed and obstructed it, and who will like any Peace the better, the more it leaves *France* at Liberty to take their Time of imposing the *Pretender* upon this Country.

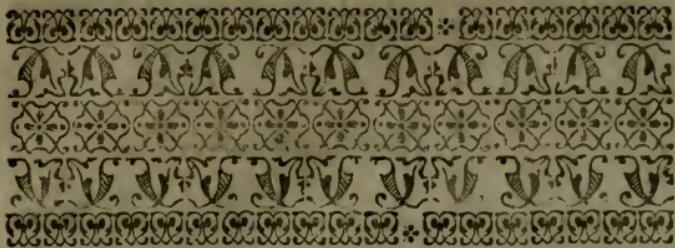
These Considerations must certainly make *Holland* run immediately into a separate Peace with *France*, and make Your Majesty lose all the Honour, and all the Reputation your Arms had acquir'd by the War, and make the Kingdom lose all the Fruit of that vast Expence which they have been at in this War: as well as all Advantage and Safety which they had so much need of, and had so fair a Prospect of obtaining by it. And can any Body imagine that after so great a Disappointment to the Kingdom there will not be an Enquiry into the Causes of it and who have been the Occasion of so great a Change in Your Majesty's Measures and Councils, which had been so long successful, and gotten you so great a Name in the World ? I am very much afraid Your Majesty will find, when

'tis too late, that it will be a difficult Task for  
any Body to stand against such an Enquiry. I  
am sure if I did not think all these Conse-  
quences inevitable, I would never give Your  
Majesty the Trouble and Uneasiness of laying  
them before you, persuaded as I am, that  
Your Majesty will find them so, it is my indis-  
pensable Duty to do it, out of pure Faithful-  
ness and Zeal for Your Majesty's Service and  
Honour.

Your Majesty having taken a Resolution of  
so much Consequence to all your Affairs both  
Abroad and at Home, without acquainting the  
Duke of *Marlborough* or me with it, till after  
you had taken it, is the least Part of my Mor-  
tification in this whole Affair, tho' perhaps the  
World may think the long and faithful Ser-  
vices we have constantly and zealously endea-  
voured to do Your Majesty, might have de-  
served a little more Consideration.

However, for my own part, I most humbly  
beg Leave to assure Your Majesty I will never  
give the least Obstruction to your Measures, or  
to any Ministers you shall please to employ.  
And I must beg further to make Two humble  
Requests to Your Majesty; One, That you  
will allow me to pass the Remainder of my  
Life always out of *London*, where I may find  
most Ease and Quiet; the other, That you  
would keep this Letter, and read it again about  
*Christmas*, and then be pleased to make your  
Judgment, who has given you the best and most  
faithful Advice.





## II. Mr. A. Boyer's Letter to the E. of Oxford ; Nov. 19. 1711.

My Lord,

However I may, of late, have been represented to you, either by my own profest, or Your Lordship's conceal'd Enemies, I hope I have given both Your Lordship and the World sufficient and repeated Proofs how heartily I am devoted to your Service. To the former Instances I presume to add the Sending Your Lordship the Inclos'd, which being in many Hands in Holland, may create a Worse Opinion of some People here than, I hope, they deserve; and is, at least, a Proof, that Monsieur Mesnager is very indiscreet, or that the Court of France designs to divide the English, as well as the Allies. I profess my self, My Lord, as ready upon all Occasions within my small Sphere, to render the most acceptable Service to Your Lordship : But as I have not been importunate to sollicit a Reward for any thing I have hitherto done, so I was lately extremely surprized, for being, on the contrary, prosecuted for a Pamphlet wherein I mainly design'd to serve Your Lordship, in Case, which seem'd not impossible, the Negotiations should break off ; as

I may demonstrate, if you'll vouchsafe to give me the Permission to wait on Your Lordship; I am with profoundest Respect,

My Lord,

Your Lordship's, &c.

Nov. 19. 1711.

A. Boyer.

Translation of the French Letter sent by Mr. A. Boyer to the E. of Oxford.

À Paris ce 19<sup>e</sup> Nov. 1711.

Paris, Nov. 19. N.S. 1711.

III. JE n'ai rien à vous mander aujourd'huy, qu'à vous confirmer ce que je vous ai écrit dans mes precedentes, touchant les Preliminaires & la Paix avec l'Angleterre; non pas que je croye tout au Pied de la Lettre, comme on le dit; mais il est certain que Mr. Mesnager affecte de la publier comme seuré & arrêtée: Il ne se fait point d'Affaire de le repeter avec ceux qui ont l'Occasion de l'en entretenir. Il appuye, sur tout, sur les Avantages accordez en Faveur du Prince de Galles; ce qui paroît à quelques un peu naturel; particulierement quand il jugent du Poids de cette Affaire par l'Esprit de Monsieur Mesnager, qui n'a jamais passé pour Grand Genie, quoy qu'il soit Grand Chicaneur. On a même été surpris qu'on ait voulu l'employer dans de telles Affaires, auxquelles il

I Have nothing to write to you to Day, but only to confirm what I wrote to you in my Former, concerning the Preliminaries and the Peace with England; not that I believe all to be literally true, as 'tis reported; but 'tis certain Monsieur Mesnager affects to publish it as a thing sure and concluded: Nor does he scruple to repeat it to those who have the Opportunity to discourse with him about it. He lays, above all, a great Stress on the Advantages granted in Favour of the Prince of Wales; which appears to some not very likely; particularly when they compare the Weight of this Affair with the Parts of Monsieur Mesnager, who never pass'd for a Great Genius, tho' he be very good at Chicaning. People have even been surprized to see him employed in such Affairs, to which, every Body knows, he never

est connu qu'il n'a jamais eu Sujet de s'appliquer ; mais comme il est fin, il a su s'introduire dans les bonnes Graces de la Confidente de Madame de Maintenon.

Monsieur de Villars est de Retour, & a été reçu de la plus agréable maniere du Monde, ce qui rétablit fort le Crédit de Madame de Maintenon, qu'on croyoit fort affoibli par l'Ascendant du Dauphin, lequel n'aime point ce Maréchal ; non pas tant à Cause de sa Personne, qu'à Cause de son Attachement pour Madame de Maintenon, qui, de son Coté, croit qu'il y va de son Honneur, de soutenir ce General, qu'elle a élevé aux Depens de Feu M. de Catinat. Monsieur le Dauphin a cependant fait à ce Maréchal un Accueil fort gracieux, le felicitant, neantmoins, non sur ce qu'il a fait pendant la Campagne, mais sur ce qu'il a eu le Bonheur de plaire au Roy ; ce qui n'a pas manqué d'être remarqué par les Courtisans.

P. S. Dans ce Moment on vient de me dire, Que Monsieur Mesnager avoit dit à une Personne de Distinction, Qu'il esperoit de voir bien tôt le Jour qu'on rameneroit le Prince de Galles en Angleterre avec le même Empressement qu'on fit autrefois le Roy Charles Second.

never had Occasion to apply himself ; but being a Cunning Fellow, he found Means to screw himself into the good Graces of Madam de Maintenon's Confident.

Monsieur de Villars is come back, and was received in the most agreeable Manner ; which very much restores Madam de Maintenon's Credit, which was thought to be much weaken'd by the Ascendant of the Dauphin, who does not love that Mareschal, not so much by Reason of a Personal Dislike, as of his Attachment for Madam de Maintenon, who, on her part, thinks herself, in Honour, concern'd to support that General, whom she raised at the Expence of the Late Monsieur de Catinat. In the mean Time the Dauphin has made that General a very generous Welcome, congratulating with him, however, not for what he has done during the Campaign, but on his having been so fortunate as to please the King ; which fail'd not being taken Notice of by the Courtiers.

P. S. I was told this very Moment, That Mr. Mesnager has said to a Person of Distinction, That he hoped shortly to see the Day, when the Prince of Wales should be brought back into England, with the same Eagerness as was heretofore King Charles the Second.

*EXTRACT of a Private Letter from Paris,  
dated the 5<sup>th</sup> of Dec. N. S. 1711, sent to the  
Earl of Oxford by Mr. A. Poyer.*

THE Court is satisfy'd beyond Expression with the Queen of *England* and her Ministers. They are, in a particular manner, very well pleas'd with the Earl of *Strafford*, who, by his good Conduct, has, in some Measure, engag'd or forc'd the States of *Holland* to consent to the Conferences. We had some Time been under an Apprehension, that the Earl of *Oxford* could not put in Execution his good Intentions for *Peace*, by Reason of the Reluctancy their *High Mightinesses* shew'd to enter into a Negotiation; without the previous Consent of the Emperor, and of a powerful Party which has beed form'd in the Parliament, against the Preliminaries: Wherefore we are assur'd that the King had sent a trusty Person to the Earl of *Oxford*, to offer him all manner of Assistance in Case of Necessity. But there is arriv'd here from *London* a Person, whose Name is not yet well known (tho' he is said to be either Mr. *Prior* or Mr. *Cole*) who has not only assur'd the King, That the Queen remain'd firm to her Engagements, but also that there was nothing more to be fear'd, since the *Hollanders* had consented to the Congrefs; and as for the Parliament, that it would be prorogued, in Case the Majority were against a *Peace*; which, however, there was no Ground to believe. In short every thing has succeeded beyond our Hopes, and we reckon that the *Peace* will be concluded before the Month of *March*. We believ'd hitherto that we must have had Peace by the Canal of the *Dutch*; but their Sullenness has been very advantageous to us. People exclaim, with great Bitterness, against the Stiffness they shew'd in the Negotiations begun with them; and, in particular,

ticular, very much dissatisfied with the Great Pensionary ; but their being mortified to such a Point, by the Earl of Strafford, as to be obliged to admit us upon so advantageous Conditions, causes here an unexpressible Joy.

On the other Hand, we receive this further Advantage from it, that we have thereby found Means to raise Funds for the next Campaign, the Discounts upon the Bills, Rents, and other Assignments, having fallen 34 per Cent. Therefore I leave you to judge whether we have not Reason to rejoice, and to cry *Victory* ; since we are inform'd that, in *England*, there has been no Considerable Alteration in the publick Funds. What a Mortification must this be for the *Whigs*, since, at the Time it was most in their Power to compass their Ends, and reap so happily the Fruits of their Victories, they see their Hopes vanish'd into Smoke. As for the Allies, they shall find us easy enough, provided King *Philip* be left in Possession of *Spain* and the *Indies*. But, if, contrary to our Expectation, a Peace should not be made. We have however got this Advantage, That all our Funds for the next Campaign are ready provided ; which could not have been done without great Difficulty, but for this Negotiation. Our Ambassadors are to set out for *Utrecht* the 15th Instant.

N. B. *The Communication of the Two foregoing Letters* was pretty well receiv'd ; and Mr. *Eoyer* was, a few Days after, desired to write his Thoughts on the present Conjuncture, which he did, as follows.

ED ED

V.

Dec. 9. 1711.

*Thoughts on the present State of Affairs in Great Britain.**Laid before the Lord Treasurer.**By Mr. A. Boyer.**On the Ministry.*

**T**HAT the present Ministry stands on too Narrow a Bottom, plainly appears from the Discontents not only among the Money'd Men, but also among some Country-Gentlemen, who have long been kept in Expectation of Places ; and more visibly from the late Defection of some Peers, who either were promis'd, or thought themselves intitled to a Share in the Administration. What Alteration this Defection has occasion'd in the Humour and Temper of the House of Peers, sufficiently appear'd on Friday Last. What further Effects it may have is not easy to foresee : But how any Ill Ones may be prevented, is not unworthy the Attention of those at the Helm.

If, as there is Reason to suppose, a *Coalition of Parties* was intended upon the Late *Alterations*, the same Counsel may now be pursued, with as great Benefit, and more Probability of Success ; the strong Footing the present Ministry has got at Court, leaving scarce any reasonable Hopes to the Friends of the Last, to come again into Play, but by the Canal of the *Lord Treasurer* ; with whom some Great Men, who have no private Piques, are thought not to be disinclin'd to join. The Persons meant are easily guess'd : Nor would their Admission be any Diminution of My *Lord Treasurer's* Power, who might still act the Prime Part ; and, on the other Hand, he would

would reap this Advantage, That the Persons so admitted would both keep their Friends, whether Landed or Money'd Men, steady to his Interest; and, in Case of any *Dubious Steps* (to which *humane Nature* is unavoidably subject) would bear an equal Share in the Reflection; whereas he is now, in great Measure, made accountable for every thing that's done or thought amiss.

If the Counsel there propos'd were embrac'd, it were further adviseable to put it in Execution, in such a manner, as that a few more of the Landed Gentlemen, called *Tories*, should be possess'd only of the Subordinate Places of Profit, in the Customs, Excise, &c. and that two or three Peers of most Weight, and least obnoxious, of the other Party, should be brought into the Administration: Which, in all Probability, would make both Parties very easy, and take off the Disgusts of the one, and remoye the Jealousies of the other.

#### *On the Negotiation of Peace.*

AS to the Ferment and Clamour which is now rais'd, both among the People and in Parliament, against the present *Negotiation of Peace*, an admirable and most beneficial Use may be made of the said Negotiation, by the Ministry: For if they make true this Assertion, *That the Preliminaries lately publish'd were only Proposals made by France*, not finally accepted as the Basis of a Treaty; and if, on the other Hand, Her Majesty declares her self firmly resolv'd, not to conclude a Peace, unless it be *safe, honourable and lasting*; and without procuring Satisfaction to all her Allies; these Advantages will result: *First*, The Enemy, who certainly want *Peace*, will be the more inclin'd to come to our Terms; *Secondly*, Such, among our Allies, as have entertain'd most Jealousy of the Negotiation, will be convinc'd, that it was only intended for the general Good, and to assert the Dignity of our Crown and Nation, For as we have contributed

most towards the War, so ought we to have the Principal Share in making the Peace. And, *Thirdly*, This Consideration will oblige the Allies, especially the Emperor and Empire, to make their utmost Efforts to carry on the War, which may lessen our Yearly Expences, in proportion to their augmenting theirs.

And here I can by no means agree with the common Notion, That the present Ministry cannot support themselves without a *Peace*; for, on the contrary, I am of Opinion, that nothing can more firmly fix them, than *the carrying on the War a Year or two longer*, till a Tryal be made how far the Emperor will exert himself for the Recovery of Spain; and how far we can penetrate into France, to oblige that Monarch to recall his Grandson: Whereas, considering the present general *Dislike of a Peace*, whereby Spain and the *West Indies* will be left in the Possession of King Philip, the pursuing of such a *Treaty* may be attended with the *Ruin of the Ministry* and other *Fatal Consequences*.

VI. January 1. 1711-12.

*Further Thoughts on the present State of Affairs.*  
*Laid before the Lord Treasurer by Mr. A. Boyer.*

**T**HE Creation of Ten Peers, besides Two Lords call'd up by Writ, has usher'd in the New Year with a New Scene of Speculation

As the declar'd Enemies of the present Ministry represent this Step in the blackest Colours, so, undoubtedly, the Courtiers applaud it as a most seasonable Counsel to vindicate the *Prerogative*. But those who wish well both to the *Ministry* and to *Great Britain*, avoid both Extremes and venture fairly to lay before them the *Thoughts of the Publick*, on this uncommon *State-Phænomenon*.

The making so many Barons at one Dash is, by the most Undiscerning, look'd upon as too Deep a *Resentment* of the late Judgment of the Peers in relation to the Duke of Hamilton's Sitting in their House as Duke of Brandon; by

Men

Men of Clearer Notions, as a fix'd Design to get a Majority in the House of Lords, in order to procure the unanimous Ratification of both Houses, of a Treaty already agreed on, and shortly to be concluded in a formal Congress; and by many, as a bold Advance to more Sinister Designs.

Waving the (I hope) ill grounded Surmises of the Last, it ought to be observ'd, that even many of the best Friends to Monarchy, in the City, could not forbear to express both their Wonderment at this Counsel, and their Dread of its Consequences ; and tho' the same was, at first, look'd upon as a sure Sign of an approaching Peace, and thereupon occasion'd a small Rising in the Stocks, yet, upon a nearer Insight into the Matter, it caus'd them to fall lower than before.

To this we may add, the Disgust this numerous Creation has given to the Old Nobility; insomuch that a Consultation is said to have been held on Sunday last, wherein it was propos'd, either not to admit these new Peers, or to protest against their being made to serve a Turn, during the Sitting of Parliament, as contrary to the old Constitution, and an Encroachment upon the Legislature. If either of these be attempted, it will be a Point of extreme Nicety for those at the Helm, to carry things so fair and even between the Crown and the Peerage, as to prevent a Contention, which, at this ticklish Juncture, may be attended with the most Fatal Consequences.

On the other Hand, it is to be apprehended, that tho' the Lords should pursue neither of these two violent Counsels, yet some of the Court-Peers may be so far disgusted and stagger'd by this new Creation, as to be easily drawn over to the opposite Party. In which Case the Designs of the Ministry would be entirely baffled; their Policy expos'd ; and their Fall almost inevitable.

What may be done, either to take off the Edge of the Disgusts or Jealousies occasion'd by this Creation, or to prevent any Dangers it may threaten, must be left to the Wisdom of those at the Helm.

I shall, however, presume to offer, that, in order to obtain these Ends, it were adviseable that the *New Lords*, upon their Admission into the House, should not, with one Cry, run down whatever shall be propos'd by the opposite Party, but rather, if possible, leave any Motion or Bill that clashes with the Interest of the Crown, to be defeated, either by the House of *Commons*, or by the *Prerogative*: Which, however, at any Time, a Wise Minister will not use, without great Necessity; and, in the present Ferment, should not be exerted, without extreme Caution.

To come closer to the Point, it is, in the first Place, Matter of Policy and Prudence to shew a great Regard to the Elector of *Hanover*, since he has declar'd himself concern'd in the Steps that shall be taken at this Juncture, and express'd his Apprehensions of being supplanterd.

This leads us to the Grand Affair now depending, viz. The *Negotiation of Peace*. 'Tis the general Opinion, as was hinted before, that a Treaty between *England* and *France* is already agreed on; and that the Congress is only a Matter of Form, in order to engage the *Dutch* in the first Place, and then the Emperor, and the rest of the Confederates, in such a Treaty as the *English*, who shall, in Reality, act the Part of bare *Mediators*, have either concerted, or shall concert, with the *French* Ministers.

Supposing this to be the Case, there may, indeed, be no great Difficulty to bring the *Dutch* into our Measures: For that wise Republick having got a sufficient *Barrier*, will, if our Ministers insist upon it, pay all manner of Deserence to the Queen's Desires, rather than take upon their Shoulders the Weight of a War, by which they are very much exhausted; and if the *Dutch* come into our Measures, it may seem, at first Sight, that no Clamour can be rais'd against a Treaty concluded in Concert with those Allies, from whose Interests Her Majesty has justly declar'd her own to be inseparable.

But whatever fair Prospect the expected Consent of the Dutch may yield, to allure the present Ministry to pursue their late Scheme, they ought not, in Prudence, to overlook the Dangers that may attend such a Counsel. I shall touch upon the most Obvious.

*In the first Place,* It may be taken for granted that the Dutch do not come freely and heartily into a Negotiation, which was first set on Foot without them, by British Ministers, whom either they look'd upon as their Enemies, or whom they may be apprehensive they have made so, by their interposing in Favour of the late Ministry: And as all Men are apt to entertain the same Sentiments, in relation to reputed, as to real Enemies, so 'tis very probable, that the Dutch will hardly ever have any Cordiality for this Ministry, or repose an entire Confidence in them; but will rather be apt to lay hold on any fair Opportunity to favour their Enemies.

*Secondly,* The Removal and Disgrace of the Duke of Marlborough, which will infallibly occasion a general Consternation in Holland, will also increase both their *Distrust of our Ministry*, and their *Jealousies of this Negotiation*, and put them upon Thoughts of ent'ring into secret Alliances and Treaties with the Princes of Germany, both for their *mutual Security and Defence*, and for the maintaining the Elector of Hanover's *just Claim to the Succession of our Crown*.

3. 'Tis not easy to guess how far such a League as the Dutch may enter into with the Princes of the Empire, may disturb the Quiet of Her Majesty's Reign: But we may well suppose, from the Experience of past Transactions, particularly the Revolution in 1688, that as the Dutch are by the *Barrier-Treaty*, Guarantees of our Succession, they may be apt to think themselves proper Judges of the Dangers to which the same may hereafter be expos'd.

4. On the other Hand, 'tis to be apprehended that the Elector of Hanover having begun to ful

look into our Affairs, he will still keep a watchful Eye on the Steps and Motions of our Ministry : And as he has solemnly declar'd his Opinion against a Treaty of Peace, by which France and the West Indies shall be left in the Hands of the Duke of Anjou ; which, in Effect, is the Opinion of the major Part of the Nation, a Wise Ministry will certainly consider how they proceed in a Treaty, upon such a Foot.

If therefore we are not engag'd beyond a Possibility of a fair Retreat, it seems adviseable to carry on the War a Year or two longer, till a Tryal be made, whether we can get Spain by the Way of France ; in which Case we may lessen our Yearly Expences, in Proportion to the Emperor's and Empire's increasing theirs, as they will undoubtedly offer to do.

Besides the vast Advantages that would accrue to the common Cause in general, and to England in particular, from the Recovery of Spain and the West Indies, the Prosecution of the War would rather fix than shake the present Ministry, and endear them to the People, who would thereby be convinc'd, that their main Views were for the Publick Good.

But if the Rubicon must be pass'd, and a Peace made, all that a Well-wisher to the present Ministry and Great Britain can do, is to pray it may prove a Good one, and such as may rather secure the Protestant Succession, than seem to render it precarious : Otherwise a fierce bloody Contention may soon ensue, not between Whig and Tory about Places, but between the House of Hanover and the Pretender ; which God avert.

N. B. Mr. A. Boyer having receiv'd no Favourable Answer to this Paper ; by which he judg'd that the late Ministry were irrecoverably gone into Measures quite opposite to the Interest of Great Britain ; he never after had any Conversation with them, tho' often courted by their Agents ; and, on the contrary, endeavour'd, as far as he could, to expose their Proceedings, in his Political State, and other Writings.

FINIS.

*The ANSWER of THOMAS, Earl of STRAFFORD; to the Articles exhibited by the Knights, Citizens and Bur- gesses in Parliament assembled in the Name of themselves, and of all the Commons of Great-Britain in Maintenance of the Impeachment against him for High Crimes and Misde- meanors, suppos'd to have been by him committed.*

THE said Earl, saving to himself all Advantages of Exception to the said Articles for the Uncertainty and Insufficiency thereof, and of not being prejudiced by any Words or Want of Form in this his Answer; and also saving to himself all Rights and Privileges belonging to him as one of the Peers of this Realm: In ANSWER to the said Articles admits, That divers Treaties and Alliances were enter'd into by the Crown of Great-Britain with the several Potentates mention'd in the Preamble to the said Articles, but for more Certainty, as to the Contents thereof, the said Earl refers to the said Treaties themselves: And with the utinost Deference to the Memory of his late Royal Master King William the Third, doth acknowledge the great Wisdom of that Glorious Prince, who by the Grand Alliance forin'd a Noble Design of settling a due Ballance of Power in Europe; but humbly beggs Leave to observe, that the Affront offer'd by France in acknowledging the Pretender King of Great-Britain, tho' justly mention'd by Her late Majesty Queen ANNE, of ever-blessed Memory, as one Caute of the WAR which in May 1702, was by Her Declar'd againt France and Spain, cou'd not be any Induce- ment to the forming the Grand Alliance, as is suggested in the Preamble to the said Articles, being subsequent to it, as most evidently appears in as much as that Alliance was not only forin'd, but concluded and sign'd at the Hague during the life Time of the late King JAMES the Second. And the said Earl admits, That the Emperor and the States General did also about May 1702, declare War against France and Sp.u.n, and that other Kings, Princes and States of Europe, soon after, became Parties to the said Confederate War, which having been carry'd on for many Years at a vast Expence of Blood and Treasure, Her said late Ma- jesty out of Her Tender Regard for the Good of Her People, and from a sincere and real Design to prevent the further Effusion of Blood, and to ease Her Subjects from the heavy Burthen of Taxes, which they had so long endured; did

hearken to Overtures of PEACE from *France*, after former Negotiations had been render'd fruitless, and give Instructions to the then Lord Privy-Seal, now Bishop of *Landon*, and him the said Earl, to treat thereof at *Utrecht* in Conjunction with the Ministers of Her Allies, in Order to bring the same to an Happy Conclusion, and among such Instructions several Clauses were interspersed to the Effect in the said Preamble set forth, but for more Certainty, refers to his Original Instructions, which together with all his other Papers relating to his Negotiations in the *Low-Countries* were taken from him in the Beginning of *January* last, and he supposes may continue in the Hands of one of his Majesty's Principal Secretaries of State, but the said Earl is totally ignorant of any Treacherous Correspondence with the Emissaries of *France*, or of any Private or Destructive Negotiation of PEACE set on Foot with Intent to weaken or dissolve the Confederacy between Her said late Majesty and Her Allies.

*ANSWER to the First Article.*

AND for particular Answer to the several Matters wherewith he stands charg'd in the First Article, the said Earl saith, That having been employ'd by his late Majesty King *William* in the Army during his whole Reign, and likewise in his Court for several Years next before his Death, and having also had the Honour to be sent his Majesty's Minister to the King of *Prussia*, he was so happy as to reconcile some Differences which had lately arisen between those two Princes, and upon his Return, receiv'd his Royal Master's Approbation: Her late Majesty Queen *ANNE*, soon after Her Accession to the Throne, was pleas'd to command him to leave his Post in the Army, and to go again to the said Court of *Prussia* in the Year 1702, where he had the Character of Her Ambassador Extraordinary, and continued in that Quality till *April* 1711, at which Time Her Majesty thought fit to appoint him Her Ambassador Extraordinary and Plenipotentiary to the States General, and in *June* following, Her Majesty was pleas'd to honour him with the Title of One of Her Privy Council, and about *December* in the same Year, to appoint him one of Her Plenipotentiaries to treat at *Utrecht* with the Ministers of *France*, of a General PEACE; And the said Earl thought it his Duty, not to scruple any Danger or Pains for Her Service, believing his Zeal therein was the best Evidence he cou'd

cou'd give of his hearty Affection to his Country ; And he constantly did with the utmost Sincerity endeavour, according to his Abilities, to pursue the true Ends of his Commission and Powers, to promote the Honour and Safety of Her Majesty and Her Kingdoms, and to answer the Engagements She was under to Her Allies, and to secure the common Liberties of *Europe* ; but he must, with the utmost Detestation and Abhorrence, deny, that he was in the least devoted to the Interest or Service of the *French* King, or that he ever acted in Defiance of any of the said Treaties, or of the Advice of Parliament, or of any Declarations of Her Majesty from the Throne, or of Her Assurances to the States General to act in Concert with them in making PEACE as in making WAR, or of Her Instructions to him under Her Sign Manual. The said Earl admits, That as he was a Privy Counsellor, it was his Duty truly to have advised Her Majesty in all Matters treated of in Council while he was present, and had any Thing so treated of, appeared to him to have been to the Dishonour of Her Majesty, or to the Prejudice to Her People, the said Earl wou'd not have been wanting to advise against, and with all Humility to oppose the same ; but as he was Her Majesty's Ambassador and Plenipotentiary, he look'd upon himself as a Ministerial Officer, whose Duty it was to pursue such Instructions as he shou'd from Time to Time receive ; and since he cou'd not doubt, but that all Orders sent him by Her Majesty's Directions, had been first maturely Weighed and Digested, He humbly apprehends Your Lordships will think it had been too great a Presumption in him to advise against, or oppose such Orders, which carry'd not in themselves any apparent Illegality, when he knew not the Springs or Reasons of them, and which therefore it became him to believe well warranted, and to have proceeded from just and proper Grounds and Motives.

And the said Earl saith, he was so far from Advising or Exhorting that any Private, Separate, Dishonourable, or Destructive Negotiation of Peace, shou'd be continued or carry'd on between the Ministers of *Great Britain*, and *France*, without Communication thereof to her Majesty's Allies, according to their Treaties, or from being Instrumental in promoting any such Negotiation, as in the said Article is charg'd, that he did not know or believe, that any such Negotiation was entred into, and for a plain relation

tion of the said Earl's Proceeding in this Affair, he saith, that about *May* 1711, being her Majesty's Ambassador and Plenipotentiary, he receiv'd from one of her Principal Secretaries of State, a Paper suppos'd to be sign'd by Monsieur *Torcy*, containing some Proposals for setting on Foot a Negociation of Peace, with Orders to communicate the same to the Pensionary of *Holland*, that his Sentiments might be known thereupon, and to assure that Minister and others of that Republick, that the Queen was resolv'd in making Peace, as in making War, to act in Concert with the States. In pursuance of which Orders, he the said Earl did immediately communicate the said Proposals to the Pensionary, and unto two others of the States General, who had formerly been employ'd in the Negotiations at *Gerritrydenberg*, and whom the Pensionary thought the most proper to be entrusted with that matter; and they having consider'd the said Proposals, did pray the said Earl to return her Majesty Thanks, in the Name of the States, for her Confidence in them, declar'd themselves weary of the War, and ready to join in any Measures her Majesty shou'd think proper for obtaining a good Peace, and that they hoped her Majesty wou'd bring the *French* to explain more particularly the several Points contain'd in the above mention'd Proposals. Of this the said Earl sent an Account to her Majesty's Secretary of State, and soon after receiv'd her Commands to repair to *England*, and on his Arrival here, acquainted her Majesty with his Proceedings at the *Hague*, but being by her Gracious Permission allow'd to follow some private Affairs of his own, he was often in the Country, and so much engag'd, that he did not know of any of the Transactions with Monsieur *Mesnager*, or what was done in relation to the Explications the States had desired her Majesty to procure from *France*, upon the Points of Monsieur *Torcy*'s Proposals, till in *October* following, he receiv'd instructions dated the First of that Month, whereby he was requir'd to return to *Holland*, and to communicate to the States some Propositions which had been sign'd by the said Monsieur *Mesnager* the 27th of *September* before, as a Foundation for opening the Conferences of Peace with *France*, which he supposes to be the Instructions intended by those mention'd in the Preamble to the Articles, as dated the 21st of *October*, none of that

Date

Date appearing amongst the Copies of his own Papers he has been permitted to take. But the said Earl never saw Monsieur *Mesnager*, till he met him at *Utrecht*, in January 1711 12, Nor during all the time of the said Minister's stay in *England*, was in the least privy to, or made acquainted with any Transaction between him and any of the Queen's Ministers. The said Earl having receiv'd his said Instructions took his Journey for *Holland*, and on his Arrival there, in pursuance thereof imparted to the States General the said Propositions, and what had been communicated to him concerning any Transactions between *Great Britain* and *France*, and, at the same time, in further Pursuance his of said Instructions, declar'd to them, that if they did not think those Propositions a sufficient Ground to open the Conferences, but were desirous to carry on the War, her Majesty was willing to concur with them, but cou'd no longer bear that disproportional Burthen which had been Yearly increas'd on her Subjects, nor that Deficiency her Allies had been guilty of in every Part of the War, and that therefore it was incumbent on them, if the War continued, to furnish such Quotas of Ships and Forces for the future, as they had to that time been wanting in ; That this was what her Majesty, thought she might justly insist on, that they shou'd comply with her in War, or in Peace, since in the former she requir'd nothing but what it belong'd to them to perform, and what was necessary to the Success of their Arms, and since in the latter she had done and wou'd continue to do, what was in her Power towards obtaining such a Peace as might be to the Satisfaction of Her Allies. Soon after this, the States General sent Monsieur *Buys* into *England* as their Plenipotentiary, to confer with her late Majesty's Ministers, and inform him self of the Circumstances of Affairs, and make report thereof to his Masters, who having continued here some time, and transmitted to *Holland* an Account of the Posture of Affairs, the States General consented to open the Conferences for Peace, and to invite the other Allies to send their Ministers to *Utrecht*, the Place agreed on for that Purpose, and in Order thereunto, granted Pasports for the French Ministers to repair thither, and the said Earl is inform'd, that amongst other Transactions by the said Mons. *Buys* whilst in *England*, he sign'd a Treaty with her late Majesty's Ministers, who were empower'd for that

that Purpose, dated the 18th Day of December O. S. 1711.  
for the carrying on the War, and the Negotiation of Peace  
according to the mutual Engagements of former Treaties  
between *England* and *Holland*, which Treaty was ratify'd  
by Her said late Majesty the Day after it was sign'd, and  
was sent to *Holland* by the then Lord Privy Seal, But the  
States General, tho' their Ministers were often call'd upon,  
never ratify'd the same. And the Earl admits, that the said  
Lord Privy-Seal and himself were appointed to be Her Ma-  
jesty's Plenipotentiaries at the said Congress at *Utrecht*,  
and he can with great Truth affirm, that he acted on all  
Occasions with the highest and most disinterested Zeal for  
procuring a General Peace, for the mutual Advantage of  
Her Majesty's Subjects and Allies, in Pursuance of the Pow-  
ers and Instructions receiv'd for that Purpose, and is firmly  
persuaded his Colleague did the same. The said Earl saith,  
that every one of the Confederates had their Ministers at  
*Utrecht*, who all agreed in the Method and Manner of  
proceeding in the laid Negotiation, and had frequent  
Meetings and Conferences to that end among themselves,  
in Order to lay down a General Scheme for their Con-  
duct, and for the better concerting those Measures, it was  
thought fit to have two Conferences a Week with all the  
Allies, two with the *Dutch* a part, and two of all the  
Allies with the *French*, and in those with the *Dutch* and  
the other Allies what was to be propos'd on the part of  
the Allies to the *French* was always previously settled. In  
the first General Conference with the *French* Ministers  
they offer'd either to proceed to the Explanation of the  
General Points sign'd by Monsieur *Mesnager* (which they  
acknowledg'd were binding only to *France* and not to the  
Allies) or that each of the Allies shou'd make their De-  
mands ; On deliberation it was insisted by the Allies,  
that the *French* shou'd first give in a Specifick Plan  
of the Offers of the King their Master to all and  
each of the Allies, and the *French* comply'd to give  
in such Specifick Plan, in Case the Allies wou'd promise to  
return an Answer thereto containing their several De-  
mands ; and accordingly the *French* Ministers did give in  
such Plan in Writing, and the Allies in Answer deliver'd  
in their Demand's also in writing The *French* having  
thus given in their Concessions in writing, and receiv'd the  
Demands of the Allies in like manner, thought fit to pro-  
pose

pose the entring into Debate upon the several Propositions mutually deliver'd in agreeably to the Course of Proceeding in former Treaties ; but tho' some of the Allies thought there was no Necessity of insisting very much on any further written Aniwer, yet others press'd it more vehemently, to which the *French* reply'd, that both Sides having already explain'd themselves in writing, it was agreeable to the Method of all Negotiations to proceed to debate Matters, and in such Debates Specifick Answers to each Demand of the Allies wou'd occur. And all the Allies agreed in this Principle, that the Method most expeditious and safe, whether by writing or otherwise, was fittest to be follow'd.

Thus having given your Lordship's a short Narrative of the Proceedings, which might render his Answer to the several Particulars charg'd in this Article more intelligible, as to that Part which mentions his frequently concerting Private and Separate Measures with the Ministers of *France*, the said Earl doth acknowledge, that when the settling any particular Interest of *Great Britain* might require it, he and his Colleague might confer with the Ministers of *France*, in the same manner as the Ministers of each of the Allies conferr'd separately with those of *France*, touching their respective particular Interests, and the said Earl apprehends they were justify'd therein by their express Orders from *England* for that purpose, and sometimes, the said Bishop and Earl had Separate Conferences with the Ministers of *France*, at the Requeit and on the Behalf of one or other of the Allies, whose regard to her Majesty made them often desire the Interposition of her Ministers to support their several Pretensions, wherein the real and sincere Endeavours of the said Bishop and Earl for the Interest of the Allies, always appear'd to the satisfaction of those on whose behalf they acted ; But he denies that he did concert any Private or Separate Measures with the Ministers of *France*, in order to impose upon or deceive her Majesty's Subjects, or Allies, or tending to their Prejudice, or Detriment. And as to that Part which charges him with commanding the Prudence of the *French* Ministers, in refusing to answer in Writing, the said Earl saith, that after the Written Propositions and Demands on each Side had been deliver'd in, he took it to be a Matter in its own Nature indifferent, whether there shou'd

shou'd be any further Transaction thereupon in writing or not, and whether it were better to proceed by way of Writing or by Conference, to adjust and settle the Terms of Peace upon the respective Offers and Demands which had been so given in. There was variety of Opinions, many of the Ministers of the Allies declar'd it to be the most usual and expeditious Method to proceed by way of Conference, which they thought gave better Opportunities of considering and explaining Matters, there being usually seen a greater stiffness and obstinacy in maintaining what is once put down in Writing, which oftentimes renders Negotiations tedious, and sometimes cloggs them with insuperable Difficulties, and there seem'd to be just Ground for Suspicion, that some who were most pressing for the Method of Writing, might have those ends in their View, which it became her Majesty's Plenipotentiaries, as far as they cou'd, to obviate and prevent. If therefore the said Earl inclined in his Private Opinion to the Sentiments of those, who thought the way of Conference more expeditious and equally safe (admitting he had been mistaken therein) he hopes it will not be imputed to him as a Crime, much less can he apprehend your Lordships will esteem it any Evidence of his encouraging the Enemy in any fallacious or unjustifiable Manner or Proceedings, it in a Letter from the *Hague* to a Minister of the Queen, before this matter had been fully consider'd, he intimated the Thoughts he then entertain'd of it, since he takes it to be very proper for a Publick Minister abroad in his Correspondence, with the more immediate Servants of the Crown at home, to give minute and particular Accounts of all Occurrences and Discourses, to lay open his Thoughts, to suggest the first motions and suspicions that arise in his Mind, and to descant upon things without reserve, in Order to receive more plain, full and express Informations and Directions for his better Proceeding; and the said Earl believes it will appear, that if in any Letter he intimated his Thoughts upon that Subject, he did not give any positive Judgment, but suspended his Opinion therein till he shou'd have opportunity of further considering it; and he faith, that when afterwards the Matter came to be more maturely debated among the Ministers of the Allies upon his return to *Utrecht*, he did join in pressing the Ministers of France to give a further Answer in Writing; and as to that

that part, which chargeth the said Earl with suggesting Methods for France, to make use of to create Dissentions among the Allies, and procure separate Negotiations between each of the Allies and France, he saith, that it was generally thought most proper, that the respective Demands of the Allies, which were sometimes clashing and contradictory to each other, shou'd be consider'd a part, and not at General Conferences with the French, which seem'd the more requisite since no Prince or State had undertaken the Part of a Mediator to reconcile the Differences which might happen to arise among them, as has been usual in former Treaties; if therefore in a Letter to a Minister of the Queen, from the Consideration of the Possibility that some might be for the contrary Method, he intimated the Inconvenience of such a Method, wou'd best appear by beginning in the Congress to argue on some Demand of one of the Allies, which wou'd probably induce such Ally to propose the debating separately; he hopes this can never be construed the Suggesting a Method for France to make use of to create Dissentions among the Allies, or which cou'd have any Tendency to dissolve the Confederacy, it seeming to him rather a likely Means to prevent any such unhappy Consequence. Sure he is, that he sincerely labour'd to prevent it, and for that End, employ'd his utmost Endeavours to obviate and discourage any fallacious or unjustifiable Manner of transacting the Negotiation of Peace; and he denies that he did at any Time suggest any Method whatsoever for France to make use of, to create Dissentions among the Allies, or separate Negotiations between any of the Allies and France, thereby to dissolve the Confederacy; and as he constantly oppes'd what he apprehended or suspected to have any such Tendency, so he never failed to support, in the best Manner he cou'd, Her Majesty's Allies in their Demands against France; and denies that in the Course of the Negotiation, he was guilty of any treacherous Proceeding, or of any Practices whatsoever, whereby he could prostitute the Honour of the Queen, or the Imperial Crown of these Realms, or whereby he did violate his Powers or Instructions, the Treaties Her Majesty stood engag'd in to Her Allies, or any Assurances he had given them by Her Order, or in Her Name, or whereby the Design of the Confederacy, or the Support

expected from it were render'd useless, or the Affairs of Europe given up into the Hands of France.

*ANSWER to the Second Article.*

IN Answer to the Second Article, the said Earl saith, he always thought an Union and good Correspondence between Her late Majesty and the Illustrious House of *Hannover* of the utmost Importance, and therefore used his best Endeavours to continue and improve it, and never had the least Design to create or widen any Differences or Misunderstandings between them. He acknowledges, that the Parliament with great Wisdom provided Laws for preserving the Protestant Religion, establishing the Protestant Succession, and laying the Obligation of an Oath on the Subjects of these Realms to maintain the same. And the said Earl humbly hopes, that he in his Station, hath never been wanting in his faithful Endeavours for the Security thereof, and to his great Honour he hath frequently receiv'd from her late Electoral Highness the Princess *Sophia*, and from his present Majesty, their Approbation of his Zeal for their Service, and he does with great Pleasure and Satisfaction reflect on the happy Success of his Endeavours in the late Treaty of Peace at *Utrecht*, by which *France* and *Spain* were brought to acknowledge our present Sovereign's Right of Succession to the Imperial Crown of these Realms, and to engage never to oppose or disturb the same directly or indirectly, whereby his Majesty had a peaceable Accession to the Throne, and the Benefit of the several Laws made in Support of the said Succession will more securely be transmitted to posterity. The said Earl denies, that he by false Representations, or by any Reflections upon his Majesty when Elector of *Hannover*, in any Letter to the late Queen's Ministers, or otherwise, did endeavour to alienate Her Majesty's Affections from his Electoral Highness, and saith, that to such a General Charge it is impossible to make any particular Answer or Defence, but the said Earl is firmly perswaded, there is not any Expression in any Letter by him wrote, that carries the Appearance of any such false Representation or Reflections, such Expressions being as remote from his Heart and Intentions, as they are inconsistent with that Respect to the Illustrious House of *Hannover*, which by the whole Tenor of his Actions he hath endeavour'd to demonstrate, and therefore the said Earl hath that Assurance of Your Lordship's Justice, to believe

lieve that no doubtful Words or Passages contain'd in any of his Letters, no Accounts or Censures (if any such there be) of what was said or done by any Minister or Servant of his Electoral Highness, inconsistent as he apprehended with that Deference which ought to have been paid to Her late Majesty, will be taken by Your Lordships as an Evidence of any Design to alienate Her late Majesty's Affections from his then Electoral Highness, or to create or widen any Differences or Misunderstandings between them, with which the said Earl is charg'd in the said Article; and as to the particular Reflection suppos'd to have been made by the said Earl in his Letter of the 17th of July 1712, on his then Electoral Highness, the said Earl humbly hopes that Your Lordships will not interpret any Expression in that Letter to have been meant of his Electoral Highness, who is not so much as once nam'd throughout the same, and whom the said Earl hath never mention'd in any Letter whatsoever, without the highest Respect and Veneration, but that Your Lordships will rather understand it as it is meant, with Respect to the General of the Hannover Troops, whose Conduct, the said Earl owns, he hath express'd himself, as well in that as in some preceding Dispatches not to have been entirely satisfy'd with. How far he was right in his Opinion he submits to Your Lordships wise Determination, but humbly hopes that no Representation thereof by him made, however he may be thought to have been mistaken therein, proceeding only from a sincere Zeal for the Honour of his Royal M I S T R E S S and the Interest of his Country, can be judg'd criminal. And the said Earl saith, that the late QUEEN was so far from being prevail'd on by his Advice to make a Cessation of Arms with France without Concert with his Electoral Highness, or against the Consent or Representations of any of the Allies, that he can, and doth with Truth affirm, that Her Majesty's Resolutions concerning the said Cessation were not taken upon his Advice, or with his Privity. The said Earl doth admit, that about June or July 1712, he was sent to the Army by Her Majesty's Command, with particular Instructions touching the said Cessation, and that in Pursuance of his said Instructions he discours'd several of the Generals of the Allies, particularly Monsieur Buleau, and that he might in such Discourse on the 16th of July 1712, affirm, as he then thought, that Her Majesty had made no Truce

Truce with *France*, and the said Earl was then of that Opinion, the Articles demanded by Her Majesty for a Cessation of Arms as the Conditions without which no Cessation was to be made, not having at that Time, to his Knowledge or Belief, been perform'd by *France*. And the said Earl can assuredly say, that he doth not remember he hath at any Time knowingly affirm'd to the Ministers of his said Electoral Highness, or any other of the Allies, any Untruths, or any Thing contrary to the Intention or Interest of the late QUEEN, thereby to deceive or impose upon his Electoral Highness, or any of Her Majesty's Allies, and apprehends he hath not in any of his Negotiations or Proceedings, prostituted or dishonour'd the Character he was invested with, or done any thing tending to dissolve the mutual Confidence and good Understanding between Her late M A J E S T Y and the Illustrious House of *Hanover*.

*ANSWER to the Third Article*

IN Answer to the Third Article, the said Earl denies, any pernicious Negotiations of Peace to have been carry'd on by him with the Ministers of *France*, and saith, that in the Paper mentioned in his Instructions to be sign'd by Monsieur *Mesnager*, and deliver'd to him, together with the said Instructions, on or about the First Day of October, 1711, it is said the French King will acknowledge the Queen of *Great Britain* in that Quality, as also the Succession to that Crown according to the present Establishment and in the Specifick Explanations of the Offers of *France*, deliver'd the 11th of February following, it is said the King will acknowledge at the Signing of the Peace, the Queen of *Great Britain* in that Quality, as well as the Succession to the Crown according to the present Establishment, and in a manner most agreeable to her *Britannick* Majesty. But the said Earl denies, he ever heard that the French K. propos'd such acknowledgment shou'd not be before the Signing of the Peace, nor doth he conceive how the Proposal before the entring into the Negotiations of Peace, indefinitely to acknowledge the Queen, and the subsequent Concession to do so at the Signing of the Peace, in what manner her *Britannick* Majesty shou'd please, doth necessarily inferr, that he wou'd not do it sooner, nor are there in any of the Propositions from the French King, any Negative Words that he wou'd not do it sooner, as intimated in this Article; And the said Earl apprehends, that in Fact he

he did it sooner, for when the Sieur *Mesnager* came into *England*, the said Earl is inform'd, he brought with him a Credential Letter from the *French King*, wherein her Majesty was stiled and acknowledged Queen of *Great Britain*, and in the very first Offers and General Conferences at *Utrecht*, the *French Ministers* named her *Britannick Majesty* in such direct manner, that the Ministers of the Allies, took it for a plain and sufficient Agnition, and the *French Ministers* understood it in the same manner, who continued to name her Majesty as Queen, without reserve, in their Discourse and Letters to her Majesty's Plenipotentiaries, and altho' the said Specifick Explanation may in some Part of it, seem to referr to a future Agnition, to prevent the Imperial and other Ministers of the Allies, from insisting likewise on a present Acknowledgment of the Titles of their Masters, which might probably have put a stop to the Negociation; yet the said Earl conceives the Agnition of the Queen was not thereby the less manifest, and is humbly of Opinion, that her Majesty was treated with distinguishing Marks of Respect, in as much as those Titles were given her throughout the whole Course of the Negociation, which had not been allowed on the like Occasions to other Princes till the Conclusion of Peace. It is well known the Title of his late Majesty King *William*, was not acknowledg'd at *Ryswick* till that Peace was sign'd, nor was the Emperor's or the King of *Prussia*'s own'd during the late Negotiations till the concluding their respective Treaties of Peace. When therefore the said Earl had no Instructions to insist upon a more formal Acknowledgment, he hopes he cannot be charg'd with any want of Duty to her Majesty, or want of Zeal for the Protestant Succession, in not advising her Majesty against treating with *France*, upon the Terms on which She enter'd into the Negociation at *Utrecht*. The said Earl believes, the House of Lords conceiving the *French King* had propos'd to acknowledge her Majesty's Title to these Realms, no sooner than when the Peace shou'd be sign'd, did by their Address of the 15th of February 1711, with a commendable Zeal, represent to her late Majesty, their just Indignation at such dishonourable Treatment, and express their Resentment at such Terms of Peace, offer'd to her Majesty and her Allies, by the Plenipotentiaries of *France*, and it was agreeable to the Duty  
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and Affection, that August Assembly always demonstrated towards that Excellent Princess, to be touched with the least appearance or apprehension of Disrespect to her Sacred Person, and her Majesty being sensible that their Address proceeded from those Motives, was pleased to return them her hearty Thanks for the Zeal they express'd for her Honour; and the said Earl admits, that in a Letter from a Secretary of State, to the then Lord Privy Seal and himself, mention was made of the said Address, and thereupon they gave an Account of the Steps by them taken on this Subject, to the following Effect. That the Day after the Receipt of that Letter, the French Plenipotentiaries were told, that the deferring to make a formal Agnition of the Queen at first, having had all the Effect intended, it wou'd be proper then to do it more formally, (for reasons with which it was needless to acquaint them) otherwise it wou'd be necessary, to insert it in the British Demands. That they made no other Difficulty in it but this, that having reported to their Court, how that matter had pass'd; they ought in Decency to give Account of what was then desir'd, and said, they doubted not, in Ten or Twelve Days, to give entire Satisfaction therein, but being press'd to do something immediately, they agreed that if her Majesties Plenipotentiaries wou'd write to them, they wou'd give an Answer, whereby the Queen shou'd be directly acknowledg'd, which was accordingly done, and the said Earl believes, that a Copy thereof might be transmitted to *England*, but not the Original, and denies, that to his Knowledge, it was a Collusive Letter, or that there was any Agreement between the British and French Ministers, not to make use of it at *Utrecht*, or not to have it taken as an Acknowledgment by *France*, of the Queen's Title to the Crown, or that the Copy of it was transmitted with Design to deceive or impose upon the Queen or Parliament, nor doth he know or believe, it was made use of, for any such Purpose. But he takes it to have been an actual Acknowledgment of the Queen's Title by *France*, and a further Evidence that such Agnition was not deferr'd till the Signing of the Peace, tho' it was intended to be then made in a more solemn manner; and the said Earl believes, the Honourable House of Peers, for whose Judgment, he ever had the highest Veneration and Regard, were satisfy'd in this Point since, by their Address of the 10th of June following,

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after they had been acquainted by her Majesty's Speech from the Throne, with the Terms on which a General Peace might be had, they thought fit to thank her Majesty for her Cond<sup>s</sup>cension therein, and did express their Reliance on her Wisdom, to finish that great and good Work, as the House of Commons also did, by their Address to her Majesty about the same time, and the said Earl is well assur'd, he was not wanting in his Zeal and Regard for the Security of the Protestant Succession, on which Head the British Plenipotentiaries at the very first General Conference with the French Ministers at Utrecht, press'd their Explanation, and they agreed thereunto, and when the Allies deliver'd their respective Demands, the Queen's Ministers on their part, insisted in such manner on what related to the Security of the Succession, that the Princess Sophia was pleas'd to Honour them with a Letter of Thanks, and to acknowledge their Care of the Interest of her Family, nor were they less careful, at the Conclusion of the Treaty, to settle that important Point, with the utmost Exactness to the Satisfaction of the Queen and Court of Hanover, and both Houses of Parliament, and the Articles for that Purpose, were not only conceived in stronger Terms than had been made use of at Ryswick for acknowledging the then Settlement of the Crown, but before they were inserted in the Treaty, were communicated to the Minister of the Elector, and had his Approbation, and the Manner of that Transaction seem'd sufficiently justify'd from the happy Effects. The said Earl absolutely denies, that he did ever concert or agree with the Ministers of France, that any Proposals mention'd in the said Article, or any other Proposals whatsoever, shou'd be the Conditions whereon France shou'd treat of Peace with Great-Britain, nor deth he know, that the Queen, the Parliament, or the Nation, were in any Respect abus'd or drawn into Destructive Measures, or that any Step was taken on this Occasion, whereby Dishonour cou'd accrue to Her Majesty, or these Kingdoms, or any Danger to the Protestant Succession.

#### *ANSWER to the Fourth Article.*

IN Answer to the Fourth Article, the said Earl saith, that the Bishop of Bristol and himself being appointed Her Majesty's Plenipotentiaries, did soon after their Arrival at Utrecht, pursuant to their Instructions, begin by concer-  
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ting with the Ministers of the Allies in what Manner it was most proper to open the Conferences, and what Method was to be observ'd in the Progress of the Treaty, and if it had been thought proper to begin with the Disposition of the *Spanish* Monarchy, the said Earl was ready to have insisted as the said Instructions directed him to do in that Case. But upon such Concert, it was thought most adviseable, and so agreed by all the Ministers of the Allies, that each of them shou'd by a separate Instrument make their respective Demands, with a general Clause to support each others Just and Reasonable Pretensions, and this was look'd upon as the most proper Method, and necessary to avoid that Confusion which wou'd otherwise ensue from the Contrariety of the Demands of the several Allies, it being then known, that many of them did, and wou'd insist to have the same Thing for themselves in Opposition to each other. The Imperial Ministers as well as the rest acquiesc'd in that Method : and at a following Conference it was further desir'd, that there shou'd be added to such general Clause the Words, *in Conformity to their Alliances*, with which the said Bishop and Earl, as well as the others, most readily comply'd, and these Words were accordingly added to the general Clause in each of the Allies Demands, which seem'd to give a general Satisfaction, and there was nothing further at that Time insisted on. In Consequence of this Agreement, it was the general Expectation, that the Demand relating to *Spain* and the *West-Indies*, shou'd be particularly inserted oniy in the Instrument to be given in by the Imperial Ministers. But there having been a Day long before fixt for delivering in to the *French*, all the Demands of the Allies, the Imperialists, the very Night preceding, at a Conference propos'd, that all the Allies shou'd mention *Spain* and the *West-Indies* likewise in their several Demands. This caused a general Surprize, and none but the Ministers of *Portugal* concurr'd with them, and those of the *States* in particular declar'd, the said Dominions ought to be demanded by them whom it did immediately concern, and that the Method Things had been put into cou'd not suffer it to be otherwise. But the next Morning, to give Content to the Imperialists, they yielded to make a *verbal Declaration* among the Allies, that they were resolv'd to make good all their Treaties on Occasion of this War, as well

well as those that related to *Spain*, as those made with *Portugal*, *Prussia*, *Savoy*, and others. The British Plenipotentiaries likewise to give the like Satisfaction declared publickly at the Conferences the same Day, that as Her Majesty insisted for a Just and Reasonable Satisfaction for all Her Allies in Conformity to all Her Alliances, those that might concern *Spain* and the *Indies* were understood thereby, as well as others that concern'd the Interest of the rest of the Allies, wherewith the *Austrian* and *Portugil* Ministers seem'd satisfy'd, nor did they request any Thing further from the said Bishop and Earl on that Head, and therefore, he humbly apprehends, that in the Negotiation he neither declin'd to insist, that *Spain* and the *West-Indies* shou'd not be alotted to the House of *Bourbon*, as far as his Instructions directed him to act in Concert with the rest of the Allies, nor refus'd to joyn with the *Imperial* and *Portugal* Ministers, or either of them to strengthen that Demand in such Manner as was proper; but in this and all other Matters he pursu'd with Constancy the Orders he from Time to Time receiv'd from Her Majesty, as the Nature and Circumstances of Things wou'd give Leave, and in Case Her late Majesty found it impracticable to persist in Her first Designs of gaining *Spain* and the *West-Indies* from the House of *Bourbon*, and thought other Expedients for preventing the Union of the Two Monarchies of *Spain* and *France* might as well answer the Ends of her several Alliances, and did thereupon enter into other Measures for obtaining a General Peace, in which Her Allies concurr'd, the said Earl hopes, that his conforming himself to the Measures not only prescrib'd by Her Majesty, whose Minister he was, and whom it was his Duty to obey, but also approv'd by both Houses of Parliament, will not be esteem'd an acting in Defiance of the Treaties between Her Majesty and Her Allies, in Contempt of the Advice or Opinion of Parliament, or in Violation of his Instructions; and he cannot entertain such Diffidence of Your Lordships Justice and Goodness, as to suspect that his Actions which proceeded from a Principle of Obedience to his Sovereign, and Zeal for the publick Service, shou'd be condemn'd as perfidious or unwarrantable. And the said Earl denies, that by any of his Practices, any Jealousies or Discords were

created between Her Majesty and Her Allies, the mutual Confidence between them was dissolv'd, the Just Ballance of Power in Europe betray'd, or an Advantage given to the Common Enemy to impose what Terms of Peace he shou'd think fit upon Her Majesty, or any of the Confederates.

*ANSWER to the Fifth Article.*

IN Answer to the Fifth Article, the said Earl doth acknowledge, That Her late Majesty in Her Speech from the Throne on the Seventh Day of December, 1711, having acquainted her Parliament, that both Time and Place were appointed for Opening a Treaty of Peace, did, at the same Time, remind them that the best Way to make a Treaty effectual, wou'd be to make early Provision for the Campaign, and believes Supplies were granted, and Magazines provided for that End. But the said Earl saith, that at the Time in the said Article for that Purpose mention'd, he was not inform'd of any reasonable Prospect the Confederates then had of gaining new Conquests over the Army of France, nor doth he believe that the Confederate Army at that Time was the strongest that had been in the Service during the whole Course of the War, but upon the Informations he receiv'd at the Hague about the 19th and 30th of April, 1712, he understood that the French were better posted than the Confederates, and their Army stronger, and that the Confederate Forces cou'd not march to surprize the French in their Lines till they had green Forrage, which cou'd not be up in 3 Weeks at soonest, and that the French had all their Troops, and the Confederates wanted great Part of theirs, especially the Imperialists, who, 'twas thought, cou'd not, and, in Fact, did not joyn the Army till about a Month after; and the said Earl conceiving the Treaty of Peace in so great Forwardness, that by a constant Application of the Plenipotentiaries, it might probably be brought to a Conclusion in a Month's Time, he did, upon these Considerations apprehend it wou'd not have been any Difservice to the Common Cause, if a Cef-  
sation of Arms for a Month had then been agreed on, du-  
ring which Time, the Negotiation might have been ended one Way or other, and he believes that according to his Duty he might about that Time in a Letter to Her Maje-  
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sty's Secretary of State send an Account of the Posture and Condition of the Two Armies; but denies, that he took upon him to counsel or advise on that Subject, but only propos'd the Matter for further Deliberation in *England*, if upon those or other Accounts, such a short Cessation shoud be thought necessary; much less did he then, or at any other Time suggest or advise any Cessation of Arms to be made with *France*, without, or against the Consent of the Allies, or with Design to disappoint any just Expectation they might have, or to give Success to any secret or wicked Negociation whatsoever: And he is not yet sensible, that a Cessation for a Month at that Time cou'd have been any Hindrance or Prejudice to the Cause of the Allies, or have given the least advantage to the Enemy. However, in Fact, no Cessation was made upon his said Letter. The said Earl saith, he doth not know or believe, that in Pursuance of any Counsel or Advice given by him, any Directions were sent to Her Majesty's General in *Flanders* to avoid engaging in any Siege, or hazarding a Battle; nor was he privy to the sending any such Directions, and he denies, that he advised Her late Majesty to send any Person, much less himself from *Engl<sup>d</sup>* to the Army in *Flanders* to cause a Cessation of Arms to be made or proclaim'd between Her Majesty and the *French Army*, but acknowledges, that he being Her Majesty's Ambassador, She was pleas'd to give him Orders and Instructions under Her Sign *Manual* dated the 21st of June, 1712, whereby he was commanded to make all possible Dispatch to the Army in the *Low Countries*, and upon his Arrival there to inform Her General and Commander in chief of the Resolutions taken in the then Important conjuncture of affairs, and also to declare, to the Generals and Commanders in chief of the Foreign Troops in Her Majesty Pay, and in the Joint Pay of Her Majesty and the *States General*, With how much Surprize Her Majesty heard there was the least Doubt of their Obeying such Orders as they shou'd receive from Her said General, and likewise Commanding the said Earl to continue with the said Army till the Affair of the Suspension of Arms and the Surrender of Dunkirk was determin'd one Way or other, and that thereupon he resorted to the *Hague*, and there in Conjunction with his Colleague, the then Lord Bishop of *Bristol*,

acquainted the *States General* with Her Majesty's Intentions for a short Cessation of Arms between the Armies in the *Netherlands*, upon certain conditions to be perform'd by *France*, one of which was the Surrendry of *Dunkirk* into Her Majesty's Possession, invitig the *States* to joyn with Her Majesty therein; after this the said Earl proceeded to the Army, and acted conformably to his said Instructions, and hopes, that what was the Performance of his Duty will not be imputed to him as a Crime. But the said Earl denies, that any Cessation or Separation of the Troops was executed or perform'd by his advice, nor was he otherwise concern'd therein, than in signifying the Orders he had in Command from Her Majesty to Her General, and he believes, from the best Judgment he can make upon the then Situation of Affairs, that if the Cessation that was made by Her Majesty had been generally comply'd with by the rest of the Army, it wou'd have encreas'd the Confidence between Her Majesty and Her Allies, and have oblig'd the *French* King more speedily to comply with their Demands in the Negotiations of Peace: And that the most promising Expectatious from the Operations of the Campaign, during those two Months for which the Cessation was to continue, cou'd not equal the Advantage accruing to the Confederates by the Surrender of the Important Fortress of *Dunkirk*, which was put into Her Majesty's Hands as one of the Conditions of it.

#### *Answer to the Sixth Article.*

IN Answer to the Sixth Article, the said Earl not admitting, that he did advise or procure a Cessation of Arms, or obtain for *France*, any Separation of the Troops of *Great Britain*, from the Confederate Army, or was otherwise concern'd therein, than as in his Answer to the preceding Article is set forth, denies with a just Abhorrence, that he ever had any treacherous Purposes, to advance or promote the Interests of *France*, or to render any future Correspondence or Harmony, between her late Majesty and the *States General* impracticable, or to weaken or distrefs the said States, or bring them under any Necessity of complying with, or submitting to the Measures of *France*. Nor did, or doth he know or believe,

lieve, that the taking Possession of *Ghent* and *Bruges* by the British Troops, was likely to produce any such Consequence; on the contrary, he conceives, that it was very much for the Advantage of the Allies, especially the States General, that the English Troops took Possession of those Towns, which wou'd otherwise, in all Probability, have fall'n into the Hands of the French. The said Earl doth acknowledge, that when the British Troops were left by the other Forces, and separated from them, and were under a Necessity of retiring to some Place of Security; and it was reported, that the Dutch had given Orders, to all the Commanders of the Towns in their Possession, to refuse them Admittance or Passage, he did not think the Resolution improper, which was taken by her Majesty's General, to send a Party of the Queen's Troops, to march through some Part of those Towns, to make Experiment, whether they wou'd refuse them Passage, for if Passage shou'd not be refus'd, then the Dutch wou'd be vindicated from the Report which had been given out, so highly reflecting on their Honour, and so repugnant to the repeated Professions and Assurances of the good Will and Friendship they had so constantly declar'd for Great Britain, and if such Passage shou'd be refus'd it wou'd demonstrate the Necessity the English Troops were under, of resorting to *Ghent* and *Bruges*; however doth not admit that he did advise therein, much less had he any such hopes or treacherous Designs, as in the said Article are mention'd. Nor did he seek any Pretence to put in Execution, any Design or Resolution concerted with the Ministers of France, nor was any such Design or Resolution to his Knowledge or Belief concerted. The said Earl doth believe, that a Party of the Queen's Troops, being sent with Intentions to obtain admittance into some of the Towns in Flanders, where some of the English Magazines and Hospitals were, or at least to obtain Passage through them, to some other Places of Security, were refus'd by the Dutch Commanders, altho' those Towns had been conquer'd chiefly with British Blood and Treasure, but the States General disavowed their giving any Orders for that Purpose, and thereby rescued themselves from the Reproach of an Usage, that might have been thought Inhuman to Confederate Troops, who had spent their Blood for their Service, and had done no Act of Hostility, nor given

given any just Reason to the States, to apprehend any ill Consequences, from such Passage or Admittance. The said Earl doth acknowledge, that after this Refusal of the Dutch Commanders to receive any of the Queen's Troops into, or permit them to pass through the Towns in their Possession, they retir'd into *Ghent* and *Brughes*, the former having been their usual Quarters, and the Citadel thereof, having been garrison'd by them, from the beginning of the Campaign. But the said Earl does not know or believe, there was any treacherous or destructive Design, in the marching of those Troops into, or taking Possession of those Towns; nor doth he know or believe, it was done in Concert with any of the Ministers of France, who he is confident were not privy to it, nor knew any thing of it, till after it was executed, nor doth the said Earl discern, how it contributed to the Prejudice of the Confederates, or the advantage of the French Army; but on the contrary, the said Earl is very well assur'd, that it prov'd greatly to the Advantage and Security of the former, whose Convoys were thereby protected, and the Communication between *Holland*, and the Confederate Army kept open; and the Advantages thereby to the common Cause, were so notorious and visible, that the Allies frequently express'd their Satisfaction, that those important Places had been so well secured, by which means the Allies had all the Advantages of those Towns without being at the Expence of Garrisons, the furnishing of which, wou'd have oblig'd them to make such Detachments from their Army, as wou'd have render'd it difficult for them to have kept the Field; and on the other hand the French Ministers frequently complain'd of the great Disadvantages occasion'd thereby to the Arms of their Master, whom they thought not well treated by her Majesty on that Account; and the said Earl apprehends that the British Troops had equal Right, with those of the States, to enter into *Ghent* and *Brughes*, or any other Place of the Low Countries, which by Agreement were under the joint Government of the Queen and the States General; and this happen'd at that time to be of the greater Importance, Queen's Troops were thereby enabled to maintain Communication with *Dunkirk* and *England*, and was afterwards found likewise very useful towards obtaining the Removal of the unjustifiable Impositions laid by the Dutch upon

upon British Merchandise in the New Conquests in the Netherlands, which they themselves had many Months owned to be a Grievance, but had not before thought fit to redress.

The said Earl humbly hopes, he has fully answer'd the several Articles exhibited against him, and he doubts not but your Lordships will in your great Wisdom, maturely weigh the Nature of the *Charge* which is chiefly founded on his Transactions abroad with the *Ministers* of Foreign Princes and States, whose Testimony, tho' never so material towards clearing his Innocence, it will be impossible for him to produce. He assures himself, Your Lordships will have a due Regard to the wide Extent, and the great Length and Intricacy of the Negotiations wherein he was engag'd by his late Sovereign's express Commands, to which he did the more chearfully submit, being joyn'd in the most considerable Parts thereof with a *Reverend Prelate*, whose long Residence *A broad*, and Experience in the Methods of treating with Foreign Princes and States, had abundantly qualify'd him for the Discharge of so Important a Trust. However, the said Earl on his Part may in any Respect have been unequal to the Province assign'd him, yet sure he is, that he always endeavour'd to acquit himself therein with the utmost Integrity, and cannot but express a Just Detestation of the many evil Intentions wherewith he is loaded by the said Articles. And as he humbly apprehends the several Facts mentioned in the Articles, (if they cou'd be prov'd) will not appear Criminal, abstracted from the ill Motives and Designs, from which they are suppos'd to proceed, so he is fully perswaded your Lordships will distinguish between the Actions themselves, and the Intentions wherewith they are charged to be done; and he assures himself, that your Lordships will judge of the Sincerity of his Intentions, by the Tenor of all his Letters and Papers, and not by any particular Passages selected from them, and is secure in your Lordships Justice, that no strained Construction of any such Passages, will be made by your Lordships to his Prejudice. He cannot but think himself extremely unfortunate in falling under the Displeasure of the Honourable House of Commons, nor cou'd he receive the first Intimation of it without the greatest Surprize, not being conscious to him, ssel that he had transgress'd any known

known Law. He was not without hopes, having spent the best and greatest part of his Life abroad in the Army, and in several Embassies, always endeavouring to promote the Welfare of his Country, that he might at his Return, have met with its Approbation, as a Recompence for his long and faithful Services. However, he comforts himself with this Reflection, that every Step of the Proceedings in the late Negotiation, was laid before her Majesty, and receiv'd her Royal Approbation, nor will it, he conceives, be judg'd improper, if he observes to your Lordships, that the States in their Letter to her Majesty, a little before the Signing the Peace, acknowledg'd they cou'd not enough commend her Plenipotentiaries, for the Assistance they had given them, in their Treaty with France, and that all the Allies gave frequent Marks of their Esteem for the said Earl and h's Colleague, on account of the many Services they had receiv'd from them.---- The said Earl is confident it will appear to your Lordships, that altho' he did with the utmost Application, pursue the Good of his own Country, preferably to that of any other Nation whatsoever, yet he was never wanting to promote the Advantage of the Allies, particularly of the States General, where it did not interfere with the Interest of Great Britain--- A Separate Treaty of Peace was so far from his Thoughts, that on the contrary, he was truly Zealous to make it General, and he had the Happiness to succeed therein, in as Great a Degree as was ever known, when so many Confederates were concern'd---- Nor was the said Earl, less Zealous in supporting to the utmost of his Abilities, the Honour and Reputation, of his late Royal Mistress, which was so far from being prostituted or suffering any Diminution by his Negotiations, that her Majesty did through the whole Course of those Negotiations, and to the very Hour of her Death, maintain as Great and Glorious a Character, as any of her Royal Predecessors, or as she herself had done, in any former Part of her Reign.

And as to all matters and things in the said *Articles* contain'd, and not herein before particularly answer'd, the said Earl saith, he is not guilty of them, or any of them in the manner and form as the same are charg'd upon him in and by the said *Articles*, and humbly submits himself to Your Lordships Judgment.

